LIBERTY PROPERTY TRUST

10400 Viking Drive, Suite 130 | Eden Prairie, MN 55344

Ms. Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

M.2-345

From:	Joan Vanhala
To:	swlrt
Cc:	Marisol.simon@fta.dot.gov
Subject:	AMS SWLRT SDEIS comments July 21 2015
Date:	Tuesday, July 21, 2015 2:31:47 PM
Attachments:	AMS SWLRT SDEIS comments July 21 2015 2.pdf

Please accept the Alliance for Metropolitan Stability's comments to the Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement.

Joan Vanhala, Coalition Organizer
Alliance for Metropolitan Stability
2525 E. Franklin Avenue #200
Minneapolis, MN 55406
612-332-4471; http://www.metrostability.org/

"If you think you are too small to make a difference, try sleeping with a mosquito." — Dalai Lama

TO: Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

From: Alliance for Metropolitan Stability
2525 E. Franklin Avenue
Minneapolis, MN 55406

Contact: Joan Vanhala, Coalition Organizer
612-332-4471; joan@metrostability.org

Public Comment for the Southwest Light Rail Transit Supplemental Draft Environmental Impact Statement

July 21, 2015

The Alliance for Metropolitan Stability (AMS http://www.metrostability.org/) is a coalition of grassroots organizations that advances racial, economic and environmental justice in growth and development patterns in the Twin Cities region. Our 33 member groups (http://www.metrostability.org/about_us/member_list.php) represent communities of color, low-income communities, housing advocates, faith-based organizations, research and policy organizations, economic developers and environmental, transit and land-use policy advocates.

For the past 8 years AMS has been providing technical and organizing support to Environmental Justice communities along our metropolitan region's planned transitways to ensure that they are included in the decision making and receive community benefits from these major infrastructure investments.

Specific to these comments AMS has been working closely with New American Academy (http://www.newamericanacademy.org/) that serves the primarily Somali immigrant community in Eden Prairie. New American Academy has been active partners with the Southwest LRT Project Office in engaging their community members (http://www.newamericanacademy.org/community.html) in decisions related to alignment, station area planning, and developing the Eden Prairie Town Center development guidelines.

Eden Prairie Alignment:
AMS supports the Eden Prairie alignment: Adjustments to the proposed light rail alignment and LRT stations, generally from the intersection of Technology Drive and Mitchell Road to the intersection of Flying Cloud Drive and Valley View Road.

Yet with the July 8th, 2015 Metropolitan Council Southwest LRT budget decision to defer the Eden Prairie Town Center Station, on opening day a significant environmental justice community in Eden Prairie will be delayed the benefits of this $1.7 billion public infrastructure investment.

Using EJView, the mapping tool of the Environmental Protection Agency, AMS found that within a 3 square mile area at the Eden Prairie Town Center Station:

- 40% minority
- 42% households under $50,000
- 65% renters
- 23% under 17 years of age
- 10% 65 years and older*
    - * American Community Survey 2006 - 2010

We chose to look at a broader area than the ½ mile station area circumference to include residential areas south because of the medium density in this suburban city.

Equitable Development:

New American Academy in partnership with Twin Cities Local Initiatives Support Corporation as a Corridors of Opportunity Initiative funded by FTA/EPA/HUD Sustainable Communities developed Eden Prairie Town Center Development Guidelines. See http://www.corridorsofopportunity.org/activities/LIC/CDI-Plus for a description of this project. These development guidelines represent the economic opportunities and potential of the Southwest LRT station at Eden Prairie Town Center that would provide great benefits to the significant communities of color in this station area.

New American Academy presented these Eden Prairie Town Center Development Guidelines March 2014 to city council. The city of Eden Prairie has yet to respond or endorse these development guidelines. Without a station at Eden Prairie Town Center the opportunities to increase affordable housing and jobs for the communities of color will not be realized.

Attachments:

1. Eden Prairie Town Center Station map 3 square miles
2. Eden Prairie Town Center Station stats 3 square miles
3. Eden Prairie Town Center Development Guidelines 2013

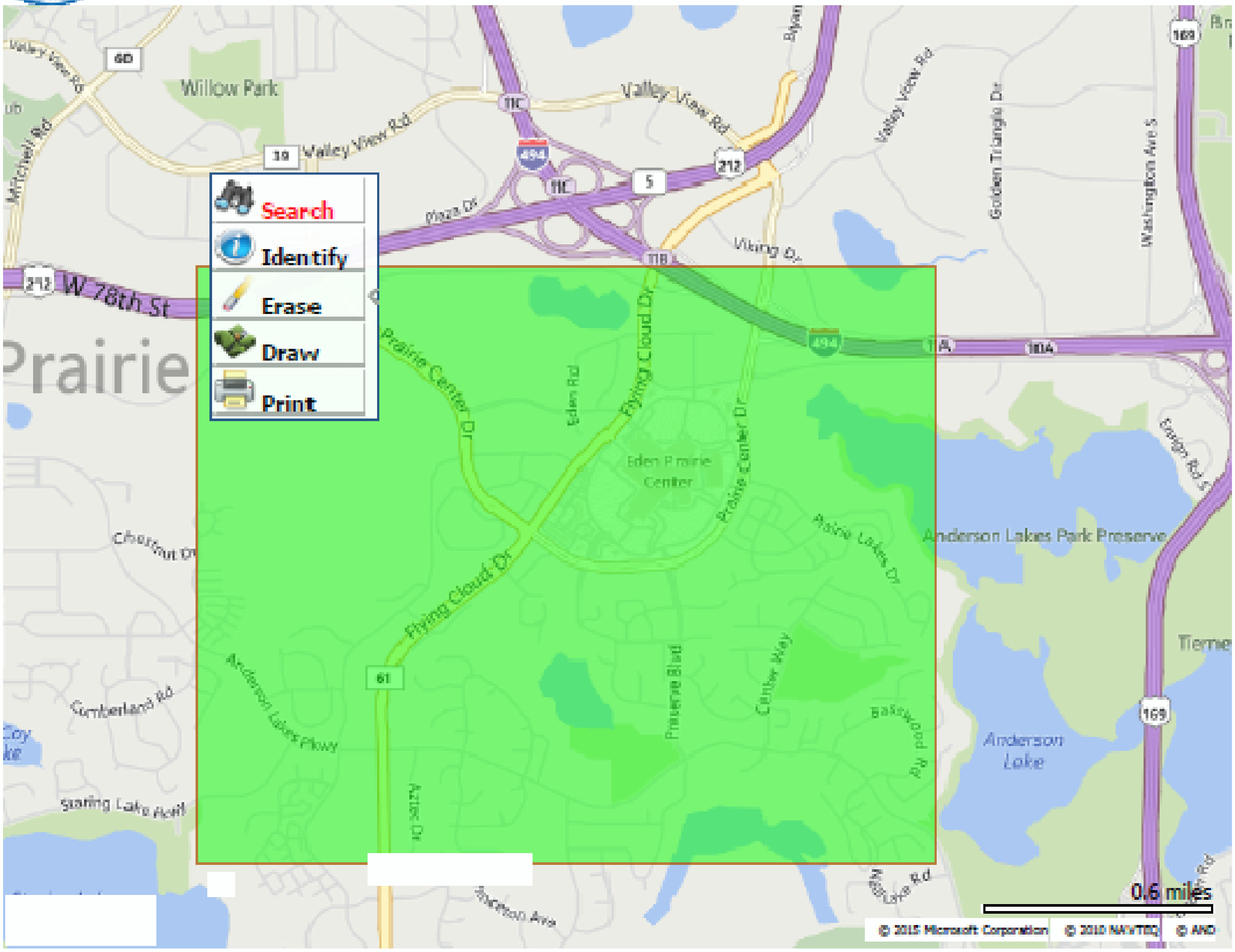
Select Map Contents

http://epamap14.epa.gov/ejmap/ejmap.aspx?wherestr=8251%20Flying%20Cloud%20Dr%2C%20Eden%20Prairie%2C%20MN%2055344

Last updated on 7/21/2015

EJView

You are here: EPA Home   Environmental Justice   EJView entry   EJView Mapper   How to use this page?



EJView ACS Summary Report

Location: -93.447132,44.862622,-93.447132,44.839986,-93.407478,44.839986,-93.407478,44.862622,-93.447132,44.862622

Study Area: 0.0 mile around the polygonal location

Summary of ACS Estimates	2006 - 2010
Population	9,833
Population Density (per sq. mile)	2,936
Minority Population	3,955
% Minority	40%
Households	4,280
Housing Units	4,552
Housing Units Built Before 1950	52
Per Capita Income	45,303
Land Area (sq. miles) (Source: SF1)	3.35
% Land Area	92%
Water Area (sq. miles) (Source: SF1)	0.31
% Water Area	8%

	2006 - 2010 ACS Estimates	Percent	MOE (±)
Population by Race			
Total	9,833	100%	632
Population Reporting One Race	9,647	98%	1,866
White	6,193	63%	514
Black	1,109	11%	388
American Indian	31	0%	93
Asian	1,839	19%	369
Pacific Islander	0	0%	93
Some Other Race	475	5%	409
Population Reporting Two or More Races	186	2%	93
Total Hispanic Population	787	8%	600
Total Non-Hispanic Population	9,046		
White Alone	5,878	60%	410
Black Alone	1,109	11%	388
American Indian Alone	31	0%	93
Non-Hispanic Asian Alone	1,839	19%	369
Pacific Islander Alone	0	0%	93
Other Race Alone	4	0%	93
Two or More Races Alone	186	2%	93
Population by Sex			
Male	4,983	51%	454
Female	4,850	49%	334
Population by Age			
Age 0-4	772	8%	157
Age 0-17	2,289	23%	308
Age 18+	7,544	77%	516
Age 65+	1,032	10%	216

Data Note: Detail may not sum to totals dues to rounding. Hispanic population can be of any race. N/A means not available.

Source: U.S. Census Bureau, American Community Survey (ACS) 2006 - 2010.

EJView ACS Summary Report

Location: -93.447132,44.862622,-93.447132,44.839986,-93.407478,44.839986,-93.407478,44.862622,-93.447132,44.86262

Study Area: 0.0 mile around the polygonal location

	2006 - 2010 ACS Estimates	Percent	MOE (±)
Population 25+ by Educational Attainment			
Total	6,549	100%	429
Less than 9th Grade	209	3%	144
9th - 12th Grade, No Diploma	356	5%	264
High School Graduate	784	12%	208
Some College, No Degree	1,728	26%	230
Associate Degree	660	10%	182
Bachelor's Degree or more	3,473	53%	287
POPULATION AGE 5+ YEARS BY ABILITY TO SPEAK ENGLISH			
Total	9,061	100%	577
Speak only English	5,962	66%	335
Non-English at Home[1+2+3+4]	3,099	34%	603
[1]Speak English "very well"	1,905	21%	407
[2]Speak English "well"	734	8%	279
[3]Speak English "not well"	339	4%	260
[4]Speak English "not at all"	122	1%	115
[3+4]Speak English "less than well"	460	5%	268
[2+3+4]Speak English "less than very well"	1,194	13%	375
POPULATION AGE 5+ YEARS BY LANGUAGE SPOKEN AT HOME			
Total	N/A	N/A	N/A
Speak only English	N/A	N/A	N/A
Non-English Speaking	N/A	N/A	N/A
Population by Place of Birth for the Foreign-Born			
Total	N/A	N/A	N/A
Europe	N/A	N/A	N/A
Asia	N/A	N/A	N/A
Africa	N/A	N/A	N/A
Oceania	N/A	N/A	N/A
Americas	N/A	N/A	N/A
Households by Household Income in 1999			
Household Income Base	4,280	100%	186
< $15,000	283	7%	95
$15,000 - $25,000	345	8%	106
$25,000 - $50,000	1,139	27%	126
$50,000 - $75,000	921	22%	212
$75,000 +	1,592	37%	199
Occupied Housing Units by Tenure			
Total	4,280	100%	186
Owner Occupied	1,510	35%	93
Renter Occupied	2,770	65%	186

Data Note: Detail may not sum to totals dues to rounding. Hispanic population can be of any race. N/A means not avialable.

2006-2010 ACS 5-year Estimates: The American Community Survey (ACS) summary files provide nation-wide population and housing characteristic data at all Census summary levels down to the Block Group level. This data was collected between January 1, 2006 and December 31, 2010. ACS replaces the decennial census sample data, and is not the 2010 Census population counts data. (http://www.census.gov/acs/www/#fragment-3)

Margin of error (MOE): The MOE provides a measure of the uncertainty in the estimate due to sampling error in the ACS survey. Applying the MOE value yields the confidence interval for the estimate. For example, an estimate value of 50 and +/- MOE of 5 means the true value is between 45 and 55 with a 90 percenet certainty (http://www.census.gov/acs/www/Downloads/data_documentation/Accuracy/MultiyearACSAccuracyofData2010.pdf). Maximum MOE is shown for each value within study area.

Source: U.S. Census Bureau, American Community Survey (ACS) 2006 - 2010.

EDEN PRAIRIE TOWN CENTER DEVELOPMENT GUIDELINES

August, 2013

INTRODUCTION

Eden Prairie is a vibrant city known for its desirable housing, excellent business climate, quality schools and outstanding parks. It has been named one of Money Magazine's "Best Places to Live" in America since 2006; the city earned a first place ranking in the 2010 survey. Comprising many large lakes and ponds, the city has more than 170 miles (270 km) of multi-use trails, 2,250 acres (9 km2) of parks, and 1,300 acres (5 km2) of open space. Previously a bedroom suburb in the 1960s, the city is now home to more than 2,200 businesses and corporate headquarters. Regionally known for the Eden Prairie Center, it is also the hub for the proposed Southwest Light Rail Transit line. The population has increased 13.4% since 2000, with 62,258 residents in 2012. Part of that growth stems from an increase of East African families (2010 census data indicates 5.6% black or African American).

One of the proposed Southwest Light Rail Transit stations will be located in the Town Center area, a primarily commercial district that offers a mix of higher density housing, office and retail space, in close proximity to the Eden Prairie Center. The Town Center area is bordered by Regional Center Road to the south, Flying Cloud Drive to the east, Technology Drive to the north, and a proposed north/south roadway to the west between Costco and Emerson Rosemount. In 2005 - 06 the City of Eden Prairie commissioned a Major Center Area (MCA) study to examine and plan for the future of the area surrounding the Eden Prairie Center. The study was approved by the City Council in as an advisory tool for future redevelopment and public improvements, which recommended developing detailed design guidelines for future buildings, parking ramps, streetscape amenities, pedestrian/bicycle connections and other public spaces for the Town Center area.

Academy, a community-based organization of Somali and East Africans, and the Twin Cities LISC / Corridor Development Initiative to lead a series of community workshops to explore development options and scenarios to enhance the area, and to elevate the potential for a more transit-oriented and walkable neighborhood. Although the CDI community workshops were open to the general public, special recruitment was made to engage the Somali community, many of whom live in the Town Center vicinity. These development objectives are the result of the community workshops, and serve to inform the future development of the Town Center area.

ASSETS

The City of Eden Prairie:

- Maintains and enjoys a strong residential market;
- Is home to many businesses that provide quality jobs;
- Offers renowned regional and municipal parks, conservation areas, trails, and recreational facilities that are community centerpieces that attract people of all ages and abilities
- Provides a great place to raise a family, run a business, age in place, and recreate;
- Maintains a strong and diversified tax base, a healthy and vibrant local business climate with high-quality jobs that provide families with economic security;
- Values diversity and opportunity for its residents; and
- Takes pride in its strong school district.

Above: Examples of the housing, trails, and green space in Eden Prairie.

GUIDELINES: TOWN CENTER NEIGHBORHOOD

As a future station area along the Southwest Light Rail Transit corridor, the Town Center area is ideal to explore how transit-oriented development could enhance the area by addressing accessibility, livability, and strengthening the pedestrian environment. It will take a strong will by the City of Eden Prairie to set principles for sustainable redevelopment going forward, to guide investment, and measure every project against these principles.

The redevelopment of the area must complement the existing uses in the area, that are largely commercial, residential, and office space. Because there is a large population of Somali families that have located in the area, there is strong interest in the preservation of affordable housing that can accommodate larger families, and to offer economic opportunities for small business entrepreneurs, as well as access to jobs and opportunities throughout the region through close proximity to the regional light rail transit system. The Eden Prairie Major Center Area Study calls for a retail and housing core with a walkable mainstreet, which could incorporate affordable housing for families, seniors, and the growing need for multi-generational housing (http://www.edenprairie.org/modules/showdocument.aspx?documentid=359).

There is a shared value around the preservation of young families to preserve the high quality of the Eden Prairie schools, and to offer housing options to accommodate all stages of life. The Town Center area offers an important opportunity to create a more concentrated development pattern that would allow for a mix of uses, a mix of incomes, and greater pedestrian access to transit, goods, and services.

Town Center District - Block Exercise Site

RECOMMENDATIONS FOR REDEVELOPMENT INCLUDE:

I. Enhance Opportunities for Mixed-Use and Mixed-Income Projects

A. Promote mixed-use development that incorporates retail, office, and residential uses;
B. Provide for a mix of housing options that could accommodate different household sizes (e. g. 3 – 5 bedroom units), configurations, incomes, homeownership and rental, as well as generational diversity;
C. Incorporate affordable workforce and family housing and affordable commercial space where ever possible to create opportunities for diversity and local small business entrepreneurs.
D. If government resources are required to fill financial gaps, focus on affordable housing that serves a mix of housing needs (e.g. size of family, seniors), and supports local multi-cultural businesses.
E. Identify and address existing housing gaps through development opportunities presented through investments along the Southwest LRT corridor (e.g. age, mix of owner and rental, family size, income level, etc.)
F. Blend into and complement the existing neighborhood.
G. Consider elements that enhance "indoor-outdoor" experience, such as balconies and screened porches, and courtyards to create open spaces;
H. Encourage underground parking or structured parking to enhance pedestrian experience;
I. Ensure economic development opportunities including home ownership opportunities that are culturally appropriate

II. Create a destination as a light-rail transit district or area

J. Enhance the livability of the area for residential uses by strengthening the pedestrian orientation to create greater access to transit, goods, services, and regional amenities (e.g. create a pedestrian overlay to enhance walkable connections throughout the area);
K. Strengthen or link to natural amenities and places for outdoor recreation;
L. Include opportunities for youth and family recreation, such as centers that attend to gender specific needs and opportunities;
M. Incorporate green spaces;
N. Consider and minimize the ecological impact;
O. Utilize CPTED (Crime Prevention Through

spaces; and engage the community to inform strategies for greater safety and other design features;

P. Prioritize transit and housing accessibility to accommodate people with disabilities;
Q. Seek to create alternative education and job training opportunities (e.g. alternative schools, job training for public sector employment, etc.) for young people, families, and adults;
R. Provide opportunities for intercultural interaction to build stronger community ties;
S. Incorporate signage and way-finding in multiple languages;

III. Create commercial spaces for small business entrepreneurs to build assets and job opportunities for the local community

T. Explore ideas like the Midtown Global Market, Suuqa Karmel, and Urban Bazaar (in San Francisco) to provide opportunities for small business entrepreneurs to locate in the area, serving the local community with culturally specific goods and services.
U. Consider locations for a farmers market or grocery store that would provide access to healthy foods for people that live in the area.
V. Encourage a mix of commercial spaces that include small, mid, and large scale commercial users.

For further information, contact:

Molly Koivumaki
Housing & Community Services Manager
City of Eden Prairie
952-949-8439
Mkoivumaki@edenprairie.org

T&W
TWIN CITIES & WESTERN RAILROAD COMPANY

2925 - 12th Street East
Glencoe, MN 55336
(320) 864-7200
FAX (320) 864-7220

July 17, 2015

VIA EMAIL AND U.S. MAIL

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426
nami.jacobson@metrotransit.org

Re: Response to Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement

Dear Ms. Jacobson:

Please find for inclusion in the office record the response of Twin Cities & Western Railroad on the Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement. These comments are set forth in the attached.

Thank you.

Sincerely,

Mark Wegner

Mark Wegner
President
Twin Cities & Western Railroad
Phone: 320-864-7204
Email: mwegner@tcwr.net
Website: www.tcwr.net

Enclosure

Twin Cities & Western Railroad Company Response to Metropolitan Council's Southwest Transitway Supplemental Draft Environmental Impact Statement

Twin Cities & Western Railroad Company (TC&W) responded to the Southwest Transitway Draft Environmental Impact Statement (DEIS) in December 2012, and the issues raised in that response remain valid for this response. TC&W's response to the DEIS can be found at http://tcwr.net/responsetodeis/.

TC&W's comments should be viewed in the context that TC&W serves numerous Counties, Communities and Customers in south central Minnesota and South Dakota. Over the last 10 years our shippers and their customers have collectively invested over $100 million in expanding and enhancing their freight rail facilities, creating additional jobs and economic growth in the area of rural Minnesota served by TC&W. These businesses have made these massive investments based on the understanding that their freight rail service will, at minimum, remain at its current level. This is a fair and reasonable understanding, given the protective mandate of the United States Surface Transportation Board (STB), which has exclusive jurisdiction over freight railroad transportation, including economics and service levels. Our response to the SDEIS, therefore, is made with the purpose of preserving TC&W's ability to continue to provide freight transportation economically and at current service levels.

Changes in Scope/Elements

There are two changes in scope/elements from the October 2012 DEIS to the May 2015 SDEIS that affect TC&W.

- **Freight Route:** The SDEIS avoids the relocation of freight traffic traversing north on the CP MN&S line (from a point in St. Louis Park just east of Louisiana Avenue), and instead continues freight traffic traversing north via the Kenilworth Corridor (at Cedar Lake Junction just west of downtown Minneapolis). This results in a co-location of freight trains and light rail between these points and through the Kenilworth Corridor (co-location was planned from approximately Shady Oak Road in Hopkins to the point in St. Louis Park just east of Louisiana Avenue in both the DEIS and the SDEIS). TC&W will refer to this change as "Co-locate" within this document.

- **Freight Alignment Change:** The SDEIS contemplates moving the SWLRT from the north side of the existing freight rail to the south side of the future freight rail location, by shifting the freight rail to the current bike trail alignment by angling the freight rail north, just east of 169, and building a bridge to carry the LRT from north of the freight rail to south of the freight rail just east of Hopkins. TC&W will refer to this change as "Alignment Change" within this document.

Comments Related to above Scope/Element Changes

Freight Route – Service Disruption during Construction:

TC&W staff and consultants worked diligently with Met Council's staff and consultants from January 2013 until present to arrive at a plan that would retain the freight service south central Minnesota depends on, while at the same time preserving the "Locally Preferred Alternative" (LPA) for the Southwest Transitway.

There have been extensive documentation and discussion of the engineering and construction challenges of building the SWLRT in the Kenilworth Corridor from the point southwest of the lagoon connecting Cedar Lake to Lake of the Isles to the point where the LRT's Lake Street station is planned. It is TC&W's understanding that with the SDEIS, the SWLRT is at the approximately 30% engineering phase. The discussions with Met Council and staff have occurred with the understanding that TC&W will allow the SWLRT contractors to work during the day and the freight trains will be able to operate safely from the close of the SWLRT construction day until the beginning of the following construction day. This will delay freight rail, but with careful planning, managing and communication it can be done. It has also been noted at the 30% engineering phase that the bridge swap at State Highway 100 would create a significant service outage for TC&W customers. Having TC&W cease operations during construction for periods longer than the work windows described above would be disruptive to TC&W's service obligation that its customers rely upon.

Freight Route – Safety & Public Perception:

Our comment is made in the context that freight railroad operations are largely a mystery to the general public. They get noticed if the motorists must stop at a railroad crossing for a train, or a derailment makes the news, but otherwise the general public has little knowledge of freight railroads. Unfortunately, public perceptions of freight rail service are colored by highly publicized but relatively isolated incidents such as the ignition of flammable Bakken crude oil that occurred when a train derailed and ruptured in December 2013 in eastern North Dakota. Most Minnesotans do not know that 99.999997% of freight rail shipments arrive safely at their destinations.

Given the public's current perception of freight rail (particularly the safety of freight rail), it is important that Met Council communicate with the affected neighborhoods not only the safety precautions built into the construction plan, but also any contingency plans should a natural disaster occur during construction (wind storm, rain, deluge, etc.). Also, an emergency response plan ought to be part of the construction plan and this should be communicated to the affected neighborhoods and public officials.

Freight Alignment Change – Cost cutting options affecting TC&W:

Our comment is made in the context of the announcement in April 2015 that the costs of the SWLRT, as shown in this SDEIS had increased to approximately $2 billion. The reaction by elected officials and decision-makers, since that announcement, has been to cut the costs of the SWLRT to approach the earlier $1.6 billion estimate.

In comments relating to the Alignment Change, the SDEIS discusses, as a result of the Alignment Change, the elimination of the side tracks that TC&W currently uses for sorting freight and staging freight cars. The SDEIS does not mention building replacement track capacity at a location further west along the TC&W. Replacement track capacity must be built by Met Council as part of the cost of the SWLRT project in order to meet Federal STB requirements and preserve the existing shipper service levels provided by TC&W to its customers. The expense of providing replacement track capacity must be factored into the project, and cannot be included in the cost cutting being considered by the Met Council. It should also be noted that severing the southerly connection from the CP Bass Lake Spur to the CP MN&S is not a cost cutting option as this connection provides freight rail access for grain producers in south central Minnesota to move their product to the river barge terminals located in Savage, MN.

Conclusion

TC&W remains committed to providing safe, efficient and reliable freight service to its south central Minnesota customers, as well as providing safe passage through the neighborhoods in the Twin Cities metropolitan area in which we operate. As planning moves towards 90% engineering, within the context of cost cutting, the safe passage of freight during and after SWLRT construction and effective and continuous operations must not be compromised.

Attached is a list of the Cities, Counties and Customers that provided letters of support of TC&W's response to the DEIS (http://tcwr.net/responsetodeis/). All of these constituents remain extremely interested in the SWLRT process with respect to the preservation of their freight rail service.

List of entities that responded to the DEIS in support of TC&W's response

ADM – Benson Quinn (Minneapolis, MN)
Agri-Trading (Hutchinson, MN)
Bird Island Bean Co, LLC (Bird Island, MN)
Bird Island Soil Service Center (Bird Island, MN)
Central Bi-Products (Redwood Falls, MN)
Clifton Co-op Farmers Elevator Association (Clinton, MN)
Cloud Peak Energy Resources, LLC (Decker, MN; Broomfield, CO)
Co-op Country Farmers Elevator (Renville, MN)
Corona Grain & Feed (Corona, SD)
Dairy Farmers of America (Winthrop, MN)
Equity Elevator & Trading Company (Wood Lake, MN)
Farmers Co-operative Elevator Co. (Hanley Falls, MN)
Farmers Union Coop Oil Company (Montevideo, MN)
Farmers Cooperative Oil & Fertilizer (Echo, MN)
FGDI (St. Louis Park, MN)
Form-A-Feed, Inc. (Stewart, MN)
Glacial Plains Cooperative (Murdock, MN)
Granite Falls Energy, LLC (Granite Falls, MN)
Hanley Falls Farmers Elevator (Hanley Falls, MN)
Heartland Corn Products (Winthrop, MN)
L.G. Everist, Inc. (Sioux Falls, SD)
Lyman Lumber Company (Excelsior, MN)
Meadowland Farmers Coop (Lamberton, MN)
Midwest Asphalt Corporation (Hopkins, MN)
Minnesota Grain & Feed Association (Eagan, MN)
Minnesota Valley Regional Rail Coalition
Mosaic Company (Savage, MN)
RPMG Inc. (Shakopee, MN)
Seneca Foods Corporation (Glencoe, MN)
Seneca Foods Plant (Arlington, MN)
South Central Grain & Energy (Fairfax, MN; Gibbon, MN; Hector, MN; Buffalo Lake, MN)
Southern Minnesota Beet Sugar Cooperative (Renville, MN)
Step Saver, Inc. (Redwood Falls, MN)
United Farmers Cooperative (Winthrop, MN)
Western Consolidated Cooperative (Holloway, MN)
Western Co-op Transport Association (Montevideo, MN)
Wheaton Dumont Co-op Elevator (Wheaton, MN)
United Grain Systems, LLC (Winthrop, MN)

City of Arlington
City of Bird Island
City of Buffalo Lake

City of Glencoe
City of Hector
City of Milan
City of Montevideo
City of Morton
City of Norwood Young America
City of Olivia
City of Plato
City of Sacred Heart
City of Stewart
City of Winthrop

Big Stone County
Carver County
Grant County (South Dakota)
McLeod County
Minnesota Valley Regional Rail Authority
Redwood Area Development Corporation
Redwood County
Upper Minnesota Valley Regional Development Commission
Renville County
Renville County HRA/EDA
Roberts County
MinnRail, Inc.
Sibley County Economic Development Commission
Sibley County Auditor
Sibley County
Sibley County Attorney
Wright County
Yellow Medicine County

TC&W
TWIN CITIES & WESTERN
RAILROAD COMPANY

2925 12th Street East
Glencoe, Minnesota 55336

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Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit - Southwest LRT Project office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

RECEIVED
JUL 20 2015

M.2-363

From: Cherie
To: swlrt
Subject: FW: Calhoun Isles Conominium Association Response SDEIS
Date: Tuesday, July 21, 2015 9:30:10 PM
Attachments: Calhoun Isles response to SDEIS 07212015.pdf

This is being submitted on behalf of the Calhoun Isles Condominium Association by Cherie Hamilton, President of the Board of Directors

---

From: pimentamalageta@hotmail.com
To: pimentamalageta@hotmail.com
Subject: FW: Calhoun Isles Conominium Association Response SDEIS
Date: Wed, 22 Jul 2015 02:25:33 +0000

Whereas in response to requests for comments to SDEIS; therefore, we the Board of Calhoun-Isles Condominium Association representing 144 living units submit the following document expressing our concerns on the engineering methods proposed for construction of the shallow tunnel.

Cherie Hamilton

President

Calhoun-Isles

Condominium Association

3141 Dean Court, Minneapolis, Minnesota 55416

July 21, 2015

Executive Summary:

Calhoun-Isles Condominiums are converted 90 year old grain silos located at the narrowest point, commonly called the "pinch-point", along the proposed Southwest LRT route. To accommodate the passage of two LRT rails, the Kenilworth Bike Trail, and the single TC&W heavy railroad track through this narrow gap, a shallow or "cut-and-cover" tunnel is proposed to be constructed for the LRT tracks, with the TC&W line and bike path to be above the tunnel at grade. Construction of the proposed tunnel comes within two feet of the Calhoun-Isles footings.

In April 2015, a high frequency vibratory hammer driving technique was used to install sheet piling at a six-story apartment site located at 3118 West Lake Street. Heavy vibrations were felt and structural damage occurred at the adjacent site of Loop Calhoun Condominiums, 3104 W Lake St., and at Calhoun-Isles Condominiums, located 180 feet away at its closest point. These damages and vibrations resulted in the cessation of construction and the implementation of a different method for installing pilings, namely an "H" pile structural piling system.

Seismic readings recorded at Calhoun-Isles by engineering firms contracted by the construction companies' engineers did not correlate to vibrations and damages incurred. Whether these inconsistencies were the result of the unique structure of Calhoun-Isles concrete silo construction or unknown environmental conditions is unknown.

Furthermore, it has been learned that a hydraulic "press-in" technique is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

Therefore, we feel the Met Council's two stated techniques for driving the needed sheet pilings for the construction of the shallow tunnel are not suited for the conditions found in the Kenilworth Corridor. The hydraulic, high-frequency vibratory hammer method presents a unique risk to residents and structure at Calhoun-Isles. The hydraulic "press-in" method is not feasible given the soil conditions that exist.

We urge the Met Council to suspend the SDEIS process, to develop a viable method for installing sheet piles or its facsimile, and to demonstrate the feasibility of this yet-to-be-developed method at the "pinch-point". If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

Findings:

Trammell Crow acquired the 1.89-acre site at 3118 Lake Street to develop a six-story apartment building with 164 units. Trammell Crow hired Big D to construct the apartment complex. Big D hired AET (American

Engineering Testing) to do monitoring and engineering work and Trammell Crow hired Braun Intertec to do replicate monitoring and engineering work.

The construction phase of the project began in early 2nd quarter 2015. Two types of piling were installed at 3118 Lake Street, driven "H" piles and Sheet Piles. The driven "H" piling that was installed in mid-April caused initial neighborhood concerns and damage to both Loop Calhoun and Calhoun Isles Condominium Associations. Only a limited number of driven "H" piles were installed, and this phase of the project is complete. In late April and early May, Dig D conducted various trials using vibratory hammers to install sheet piles.

On April 30th, the Calhoun Isles Condominium Association Team met with Big D, American Engineering Testing, and Braun Intertec personnel on the 10th floor of the Calhoun Isles High Rise to discuss the status of the construction project and to help gain further insights on its impact on the High Rise. During the meeting, we learned that no pre-existing condition surveys were recommended for our Association because it is ~180 feet away from the nearest point of the construction site. It was thought that our Association buildings were too far away from the construction site to be damaged.

This situation was quickly addressed by installing monitoring devices in the High Rise to obtain vibration measurements. The results of these measurements are pending. The preliminary indications from the monitors supported the initial assumption. The readings were at the low end of scale; in fact, the monitors had to be adjusted, in order to obtain any readings at all. It was also agreed that American Engineering Testing would conduct pre-existing condition surveys at Calhoun Isles.

This meeting was held while trials using vibratory hammers to install sheet piles were occurring. The High Rise is ~180 feet from the construction site. The vibrations that were felt in the 10th floor conference surprised Big D, American Engineering Testing, and Braun Intertec.

Despite the low readings on the monitors, seven High Rise and three Lateral units have since reported damage as a result of the construction activities. A number of home owners reported feeling high levels of noise and vibration during the April/early May construction activities. Vibrations were felt in the elevators.

Given the fact that the shallow tunnel construction is to occur within 2 to 3 feet (not 180 feet) of the High Rise, our Calhoun Isles Condominium Association Team had a number of follow-up discussions about the impact that the SWLRT would have on our Association Buildings. The vibratory sheet piling installation is one of the options that the Met Council is considering for the construction of the shallow tunnel.

The speed of sound through concrete is as much as 3600 m/s; it is a very effective vibration transmitter. The High Rise was constructed from a series of grain silos. The concrete footings that support the silos go well below ground level. It is a unique building not only when compared to other local structures, many of which are wood construction atop concrete foundations (wood will not transfer vibration energy nearly as well as concrete will). It is also unique compared to other tall concrete structures in the area as it walls are ultra-thick. The entire structure is great at transmitting sound and vibration.

The High Rise has a number of features, which are susceptible to vibration. The underground garage was built when the silos were converted to residences. Three elevators were installed in the High Rise. The silos have an exterior stucco coating; it is a high-maintenance exterior. Balconies have been installed on nearly all High Rise units.

Based on discussions with a number of civil engineers and physicists, the impact on the High Rise from vibratory hammers to install sheet piles at a distance of 2 to 3 feet could be catastrophic. The possible consequences include:

1. Damage to nearly all the resident units in the 3151 Building (the structure closest to the proposed SWLRT line).
2. The elevator service in the High Rise would probably need to be shut down because of safety concerns.
3. The stucco could fall down in sheets due to resonance effects. This situation could result in injury or worse to residents.
4. The integrity of balconies could be compromised. This situation could result in injury or worse to residents.
5. The integrity of the garage could be compromised. This situation could result in injury or worse to residents.

On May 18th, Big D announced that the vibratory sheet piling installation was halted, that any installed sheet piling will be removed, and that an alternate foundation system will be developed. We since learned that the damage that the vibratory sheet piling installation caused to Loop Calhoun (primarily) and Calhoun Isles (secondarily) during the trial period was instrumental in the abandonment of this approach at the 3118 Lake Street Site. All the sheeting piling that had been installed has since been removed.

On July 6th, Trammell Crow/Big D announced the revised foundation plan that will be installed. This system will be an "H" pile structural piling system. It will involve these operations: 1) a hole, approximately 24" in diameter is drilled with an auger and filled with structural concrete as the drill bit is removed; 2) the "H" pile will then be pressed into the structural concrete hydraulically and allowed to cure. This process repeats approximately every 8' on center; 3) once structural "H" piles are complete, an additional drilling process will occur between all "H" piles to install a 24" concrete slurry piling as the structural piles to serve as the structural site retention component.

Big D will conduct trials to install this "H" pile structural piling system starting the week of July 20th. The drilling will not be vibratory or driven in methods and while not particularly quiet, the level of noise and movement of equipment will be heard and occasionally felt but remain significantly below industry standards and city ordinances.

Discussion:

The Met Council provides limited reference to the construction methods that they propose employing in the SDEIS. These construction methods are referenced in their attachment, "Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Council, 2014d)". This document describes two methods for installing the required sheet piling for the shallow tunnel: "Sheet pile installation is anticipated to be performed by a method that avoids hydraulic drop hammers. Methods such as a high frequency vibratory hammer or a hydraulic "press-in" device would minimize vibration and noise created by the sheet pile installation. Actual construction means and methods will be determined prior to construction in coordination between the contractor and the SPO (page 4)".

The vibratory driving technique for installing sheet piling has caused too much damage to the neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor in the CIDNA neighborhood.

The hydraulic "press-in" methodology was discussed at some length with Big D, American Engineering Testing, and Braun Intertec to determine its feasibility. Based on their feedback, it was learned that a "press" technique is "typical" to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs. It should also be noted that the current proposal for installing sheet piling (drilled "H" piling) at this site will be substantially more expensive to install than employing a hydraulic pressing technique.

Met Council personnel were questioned about these two proposed methods for installing sheet piling for the shallow tunnel. In one response, a Met Council spokesperson informed the public that the vibratory hammers that Dig D employed to install the sheet piling at the 3118 Lake Street site were of inferior quality and this factor resulted in the damage to the two neighborhood associations. It was further reported that the Met Council would be using higher quality vibratory hammers and no problems would occur.

This matter was brought to Big D's attention; they reported it is unreasonable to label the equipment that they used as "inferior", but would be more appropriately labeled as "typical" in the industry.

In another instance, a Met Council Engineer was questioned about the proposed hydraulic "press-in" methodology. He insisted that this approach was valid and that it was the preferred route, despite the feedback that has been received from Big D, American Engineering Testing, and Braun Intertec.

An attempt was made to discuss these sheet piling methods directly with American Engineering Testing (AET) to gain additional information and insights. AET personnel informed me that they were under contract to the SWLRT and could not talk to me because of a conflict of interest. They told me to contact Met Council personnel directly.

Given this feedback from Big D, American Engineering Testing, and Braun Intertec, there is sufficient documented information available that demonstrates that the Met Council will not be able to use either a vibratory hammer or a hydraulic press to install the sheet piling for the shallow tunnel. These constraints will force the Met Council to employ alternate methods for installing sheet piling for the shallow tunnel.

The only other known method known for installing sheet piling is to employ the drilled H-pile Lagged System that will be attempted at the 3118 Lake Street site. The engineering company (AET) that is working on this site developed this recommendation. This very same engineering company is now under contract to the Met Council. One would logically conclude that they will make the same recommendation to the Met Council.

This installation method will complicated by several factors:

1. This drilled H-pile Lagged System approach will be substantially more expensive than what is advertised in the SDEIS.
2. The concrete to stabilize the drilled H piles will need to be installed below the water table. This factor will complicate the installation. In addition, it may compromise integrity of the installation.
3. The drilling operation will occur within one to two feet of the Calhoun Isles Condominium Association and within close proximity of the Cedar Lake Shores Condominium Association and to many private residences along the Kenilworth Corridor. This drilling operation is anticipated to be noisy. The Met Council may need to find temporary housing for residents who live in proximity to the shallow tunnel construction site.

4. The size of the holes to install the drilled "H" piling raises additional concerns. As noted, holes approximately 24" in diameter will be drilled with an auger at the 3118 Lake Street site. This system will support a piling system that is 25 feet below grade. The shallow tunnel will require a piling system that will be 50 feet below grade. The holes for the drilled "H" piles may need to be larger for the shallow tunnel. There is limited space at the pinch point, ie the short distance between Calhoun Isles and Cedar Lake Shores Condominium Associations. It may not be possible to install this drilled "H" structural piling system without infringing upon and/or taking private property (including homes) at this point.

Conclusion and Recommendations:

The experiences at the 3118 Lake Street site raise a number of serious questions about the proposed methods that the Met Council intends to employ when constructing the shallow tunnel. The proposed methods include using a high frequency vibratory hammer or a hydraulic "press-in" device to accomplish the sheet pile installation.

The high frequency vibratory hammer driving technique for installing sheet piling caused too much damage to the CIDNA neighborhood based on the experiences at 3118 Lake Street and has been eliminated as a means for installing sheet piling by the contractor. It has also been learned that the hydraulic "press-in" is typical to an installation more common to a harbor, waterway or soft soils conditions. This condition does NOT exist in the 3118 Lake Street environs.

The information about sheet piling installations that has been gathered during the past 12 weeks is based actual field experience and expert opinion from quality engineering companies. It has also been learned that American Engineering Testing, a company that acted as a primary consultant in developing an alternate sheet piling system for the 3118 Lake Street project, is under contract to the Met Council.

It is imperative that the SDEIS process be suspended until a viable construction method for installing a sheet piling like system for the shallow tunnel is properly developed with input from a quality engineering company such as American Engineering Testing. Once this alternate (and most likely more expensive) system is developed, its feasibility must be successfully demonstrated.

If this rigorous, but necessary process is not accomplished successfully, there is concern that the construction of the shallow tunnel will not be able to go forward, that private residences will need to be expropriated, and that the two LRT rails, the Kenilworth Bike Trail, and the railroad track will all wind up at grade at the south end of the Kenilworth Corridor.

I wish to thank Trammell Crow, Big D, American Engineering Testing, and Braun Intertec for the rigorous process that they employed at the 3118 West Lake Street construction site. While the noise and vibration from the initial sheet piling installation methods were below industry standards and city ordinances, they realized the problems that were being caused to the neighborhood in short order. They had the integrity to go back to the drawing board and to develop a system that would conform to the neighborhood requirements, despite the added cost. They should be commended for their willingness to share their findings and their process with the public.

Submitted By: Calhoun Isles Homeowners association Board of Directors

Barbara Dorset	Mark Haller	Cherie Hamilton
Nina Katzung	Paul Olson	Paul Petzschke
Carol Shorrock	Peter Stegner	Nick Shuraleff

BACHMAN'S

July 17, 2015

SENT VIA US MAIL and EMAIL

Ms. Nani Jacobson
Assistant Director, Environmental and Agreements
Metro – Transit – Southwest LRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

The purpose of this letter is to provide comments for Bachman's, Inc. and its Eden Prairie location, 770 Prairie Center Drive, on the SWLRT Supplemental Draft Environmental Impact Statement (SDEIS).

Chapter 2: Alternative Considered:

All of the rail alignments recommended in the original DEIS showed the SWLRT line along Technology Drive. This reasonably demonstrates that the preferred route and the route best suited for the SWLRT is along Technology Drive. We understand the SDEIS was authorized to review this alignment based on political requests by the City of Eden Prairie and a few impacted businesses. However, it must be assumed that Technology Drive is the most advantageous alignment for the efficient operation of the rail corridor as originally concluded. If the line could be located on the north side of Technology Drive the objections of those businesses could be resolved. Moving the line from Technology Drive will do the following:

- Lengthen travel times
- Impact more businesses
- Impact more roads and intersections
- Require the construction of a new road
- Require crossing more intersections
- Create more safety risks

We appreciate the fact that the at-grade alignment along Singletree and Prairie Center Drive is not being considered. We have significant concerns about that alignment for safety reasons and negative access impacts on our property. We prefer a north side of Technology Drive alignment to the proposed alignment along the steep slope between Bachman's and Costco.

Ms. Nani Jacobson
Metro-Transit-Southwest LRT Project
July 17, 2015

Chapter 3.2 Eden Prairie Segment, Wetlands:

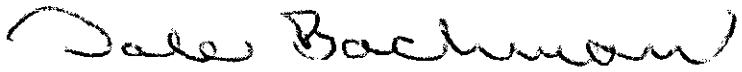
We have concern about the impact to the steep slope and the Costco stormwater pond/wetland along the north side of our site. The impact of grading is not addressed adequately in the SDEIS. We would request the Project Office to provide grading plans as they become available to ensure that the grading of the steep slope does not negatively impact our property. In addition the SDEIS notes that the Costco stormwater pond/wetland will be impacted. We are concerned about the potential impact that may occur with the removal/replacement of the Costco pond. Additional information must be provided on how and where the stormwater pond will be replaced.

Chapter 3.2 Eden Prairie Segment, Acquisitions:

The Construction Plans available on the Project Office website show the project will need a temporary construction easement along the north side of our property. The proposed easement is shown to come up against our north wall and within our parking, loading dock, and storage areas. We require more information on the length and impact of the construction work on our store operations. We must not lose access to our only loading dock. Losing access to our only loading dock would have significant negative impact on our business operations.

Thank you for this opportunity to provide comments on the SDEIS.

Sincerely,



Dale L. Bachman
Chairman / Chief Executive Officer

DLB:cad

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M.2-374

From:	Jacobson, Nani
To:	swlrt
Subject:	FW: City of Eden Prairie Southwest LRT SDEIS Comments
Date:	Tuesday, July 21, 2015 5:06:54 PM
Attachments:	Eden Prairie SDEIS Comment Letter 07-21-2015.pdf

From: Randy Newton [mailto:RNewton@edenprairie.org]
Sent: Tuesday, July 21, 2015 3:46 PM
To: Jacobson, Nani; swlrt
Cc: Lamothe, Craig; Rick Getschow; Robert Ellis; Janet Jeremiah; David Lindahl; Rod Rue; GRP-AllCouncil
Subject: City of Eden Prairie Southwest LRT SDEIS Comments

Nani –

Attached for your reference and review are the City of Eden Prairie's Southwest LRT SDEIS comments.
Please let me know if you have any questions or need any additional information regarding these comments.
We appreciate the opportunity to comment.

Thank you -

Randy

Randy Newton, PE, PTOE
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Eden Prairie, MN 55344
952 949-8339
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July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

SUBJECT: Southwest LRT SDEIS Comments

Ms. Jacobson:

The City of Eden Prairie has reviewed the Southwest LRT Supplemental Draft Environmental Impact Statement (SDEIS). We appreciate the opportunity to review the SDEIS and respectfully submit the following comments for consideration:

General Comments

1) The City of Eden Prairie continues to support an alignment that matches the alignment evaluated in the SDEIS. This includes an end-of-line Mitchell Station located on City Center property and a Town Center Station that is centrally located midpoint between Flying Cloud Drive and Prairie Center Drive as well as Technology Drive and Singletree Lane. The City Council provided Municipal Consent to this plan on July 14, 2014.

2) The design of the Southwest LRT must complement and be coordinated with the services offered by Southwest Transit. Future Southwest Transit operations are critical to the design and operation of the Southwest LRT line. Southwest Transit needs to be an active partner in the development of Southwest Station plans. Impacts to Southwest Transit's operations during construction of LRT should be minimized.

3) The Southwest LRT bridge structure adjacent to Purgatory Creek Park and the Veteran's Memorial will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs. In addition the bridge will permanently impact the park's entry area and signage board located near the Prairie Center Drive / Technology Drive intersection. The Southwest LRT design must restore these park amenities to a similar or better condition.

4) The Southwest LRT construction will have temporary impacts to the Purgatory Creek Park and trail system which must be eliminated or minimized and appropriately coordinated with the City of Eden Prairie. The Purgatory Creek Park has a number of programs and events throughout the year that can be scheduled up to a year in advance and have the potential to be impacted by the SWLRT construction. It is imperative that avoiding and minimizing the impacts on these activities be accounted for in the construction schedule. In addition, the loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within Eden Prairie and its functionality must be maintained throughout construction.

5) The grade separated LRT crossing of Valley View Road at Flying Cloud Drive should be refined to eliminate curves. A straightened alignment significantly reduces the SWLRT travel time and has the additional benefit of reducing private property impacts, better coordinating with future improvements in the TH 212 / Valley View Road interchange area, and preserving excess right-of-way for future potential development.

6) Should the alignment, number of stations, and parking distribution be modified from the SDEIS, additional analysis should be completed to ensure adequate roadway, parking, sidewalk and trail infrastructure exists to serve the changed traffic patterns and parking demand.

7) The location, placement, and screening of the Traction Power Sub-Stations (TPSS), signal bungalows, and other LRT accessory cabinets and equipment must be closely coordinated with the City of Eden Prairie. This equipment must be located, screened, and designed as appropriate to avoid impacts to existing and future developments.

8) The project must evaluate alternatives and determine solutions for mitigating design and construction impacts of the project on all businesses, residents, and properties along the corridor. These should include ongoing communication methods such as social media, newsletters, and wayfinding signage. The City should be included as a partner in determining the appropriate solution for the identified impacts.

Detail Comments

1) Section 3.2.1.1 (Land Use)
    a. Planned land uses in the east portion of the segment tend to be office, industrial, and mixed use.
    b. The location of the proposed Mitchell Station is adjacent to Eden Prairie City Center. The Town Center refers to another area along the alignment farther to the east.
    c. Eden Prairie has prepared a TOD ordinance that will be proceeding through the

public review process. Adoption of the ordinance is anticipated for August/September 2015.

2) 3.2.1.3 (Cultural Resources) - Three areas of archeological potential were identified within the revised Eden Prairie Segment. Evaluation of one site (site C) was completed. There are two remaining sites that have not been evaluated according to the SDEIS. The City of Eden Prairie recommends that the two remaining sites (sites A and B) are fully evaluated and if any of those sites are found to meet NRHP criteria, potential effects to those sites and mitigation measures should be considered.

3) 3.2.1.5 (Visual Quality and Aesthetics) - The analysis completed with the SDEIS indicates a decrease in visual quality and aesthetics in nine out of the ten vantage points. The other vantage point maintains the same visual quality and aesthetics as in the original condition. Considering the significant impacts of the project to the built environment of the Eden Prairie community, particularly Purgatory Creek Park, aesthetic improvements such as lighting, structure design elements, and other visual treatments will be essential to maintain the quality of the character of areas adjoining the LRT line. The Southwest Project Office should closely coordinate the design of all architectural and aesthetic elements with the City of Eden Prairie. In addition, the City of Eden Prairie supports and encourages the Southwest Project Office to actively engage in outreach to residents, property owners and other stakeholders regarding the aesthetic design elements of the project.

4) 3.2.1.5 (Visual Quality and Aesthetics) - The City does not concur with the conclusion that eight of the ten vantage points evaluated will not have a substantial level of visual and aesthetic impact. As stated above the project is expected to significantly change the built environment within the corridors it is constructed. Aesthetic and visual quality treatments must be primary elements of the SWLRT design in order to best integrate the SWLRT into the existing environment. In particular, the viewpoints adjacent to and within Purgatory Creek Park will have a substantial level of visual and aesthetic impact as SWLRT and the bridge structure along Prairie Center Drive will be a primary visual component of the park once constructed. The bridge must be designed with appropriate context and to compliment the park setting and experience. Due to its location and its visual impacts enhanced aesthetic treatment for the bridge should be included in the base project costs.

5) Section 3.2.2.1 Subp. B. (Groundwater) - The SDEIS references our 2004 Wellhead Protection Plan (WHPP), the modeling has since been updated and the draft WHPP (Parts 1 & 2) sent to the MDH for approval. The Draft WHPP has been through all the relevant reviews (local government units and public comment hearings) and has been submitted to the MDH for review and approval. Approval from the MDH is expected soon. The FEIS

should be updated based on the new WHPP as the DWSMA and Wellhead Protection Area have both changed significantly.

6) Section 3.2.2.2 Subp. A. (Floodplains) - The SDEIS only references FEMA, but both Nine Mile and Riley-Purgatory-Bluff Creek Watershed Districts have done flood profile modeling and they are both close to finishing Atlas 14 models which could impact the amount of potential floodplain fill. The findings should be incorporated into the FEIS.

7) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts) - The SDEIS includes the statement that "No additional public watercourses were identified by analysis of MnDNR GIS data for the Eden Prairie Segment." There are a number of DNR Protected Wetlands on this corridor (including EP-EP-07, EP-EP-15, EP-EP-16 and EP-EP-23 that are listed as being impacted by the project as well as the creeks. These would typically be identified as public waters. The FEIS should include some clarification should be added on what is included in the definition of public watercourses (is it just lakes?). Purgatory and Nine Mile Creeks are listed as public waters later on in some of the discussions under the subtitle of Public Waters, so these should be indicated here to avoid confusion. It would also help if in the Wetlands Section a statement for those that are MnDNR public wetlands or waters was added into the individual paragraphs for each wetland.

8) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Wetlands)
    a. In the third sentence of the introductory paragraph it is stated that "The total wetlands filled in this segment…" This statement seems to indicate that 16 wetlands would be completely filled, whereas some of them will only be partly filled. The FEIS should state how many would be completely filled and how may would be partially filled to provide better clarity.
    b. In the list they state that EP-EP-15 is part of a larger wetland complex. However, this is actually 2 distinct areas. The northern piece (City ID 15-13-E) is a constructed wetland mitigation site. The larger, southern piece (15-14-A) is a natural wetland complex (and Purgatory Creek). The discussion for this wetland should indicate that the impacts will occur within that part that is a wetland mitigation area as this will have greater protections that must be dealt with than the remaining wetlands will.

9) Exhibit 3.2-5 - There is a map error; DIG-EP-EP-04 and associated impacts are actually north of Technology Drive.

10) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Floodplains) - Calculations for floodplain impacts are based on the FEMA maps only.

The FEIS should re-evaluate based on the Watershed District models once they are completed (for the Final EIS).

11) Section 3.2.2.2 Subp. B. (Long-Term Direct and Indirect Water Resources Impacts – Public Waters and Stormwater Management)
    a. The first paragraph states that Purgatory Creek, a public waterway, would be spanned by the proposed light rail alignment immediately south of where Technology Drive currently spans the creek. However, the next sentence states that the LPA construction limits would be close to Lake Idlewild. This is an error; the Purgatory Creek crossing is not located by Lake Idlewild, but flows between EP-EP-17 and EP-EP-15.
    b. The fifth paragraph includes the statement "Eden Prairie and the Riley-Purgatory-Bluff Creek Watershed District have stormwater management regulations and program." This should be corrected in the FEIS to read "Eden Prairie and the Nine Mile Creek and Riley-Purgatory-Bluff Creek Watershed Districts have stormwater management regulations and programs."

12) Section 3.2.2.2 Subp. B. (Short-Term Water Resources Impacts – Public Waters and Stormwater Management) - The SDEIS states that "An MnDNR-certified erosion and sediment control specialist would be employed…" This should be a University of Minnesota certified and/or MPCA approved erosion and sediment specialist.

13) Section 3.2.2.2 Subp. C. (Mitigation Measures) - This section indicates that the Section 404 permit application will identify compensatory mitigation and that this plan would be reviewed by the USACE prior to submittal of the Section 404 permit application. However, a compensatory mitigation plan will also need to be submitted to the appropriate Local Government Units for review and approval. The process for this local review and approval of the mitigation measures should be added to this section.

14) Section 3.2.2.3 (Noise) – The methodology section indicates that grade crossing bells have the highest level of cumulative noise impact and their potential use in areas of residential land uses must be evaluated and reviewed with the City. Any modification to the proposed LRT operational assumptions and how they impact grade crossings must be accounted for in the updated FEIS analysis and if necessary appropriately mitigated.

15) Section 3.2.4.1 Subp. B. (Transit – Long Term Impacts) – The City supports and see benefits in operating Express Bus Service along with LRT from Southwest Station

16) Section 3.2.4.2 Subp. B. (Roadway and Traffic) – This section identifies several intersections that are expected to operate at unacceptable level-of-services (LOS E or F) in the build condition without mitigation. Acceptable mitigation strategies must be identified and implemented for each intersection identified. Any modification to the

proposed LRT operational assumptions and how they impact traffic operations must be accounted for in the updated FEIS analysis.

17) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Long Term Impacts) – Bulleted list of key changes should indicate that Technology Drive will be converted from a four-lane roadway section to a three-lane section.

18) Section 3.2.4.2 (Roadways) - The City has identified through various planning studies and processes the following locations where future roadways and trail/sidewalk crossings of SWLRT may be desired. The potential for these future crossings should be acknowledged:
    - Additional or relocated access for the UHG / Optum campus on Technology Drive
    - A second north-south roadway to the west of the proposed north-south main street and the Town Center Station
    - An east-west roadway south of West 70th Street and the Golden Triangle Station
    - An east-west roadway north of West 70th Street and the Golden Triangle Station

19) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – First bullet indicates potential roadway closures for construction of the Flying Cloud Drive / Valley View Road LRT bridge may be necessary. No long term closures of these roadways or any other roadway impacted by LRT construction should be considered. It is understood that weekend or evening closures may be necessary for certain construction activities. These closures must be coordinated with the City and all impacted businesses, residents, and properties.

20) Section 3.2.4.2 Subp. B. (Roadway and Traffic – Short Term Impacts) – Temporary construction impacts must be evaluated and to the extent possible minimized and mitigated. This includes providing viable access to all properties at all times.

21) Section 3.2.4.2 and 3.2.4.3 (Roadway and Traffic / Parking) – The parking demand and roadway impacts for end-of-line parking should be planned for in the design of the build project. This is in reference to the statement in Note 20 on page 3-82 that indicates that the structured park-and-ride lot at Southwest Station would increase by approximately 600 spaces if Mitchell Station were eliminated and Southwest Station was the western terminus of the line.

22) Section 3.2.4.3 Subp. B. (Parking) – The SDEIS does not identify the parking impacts to the Eden Prairie City Center building (8080 Mitchell Road). There are both short and long term impacts for the property that would need to be mitigated.

23) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The loop trail around the Purgatory Creek pond and wetland area is a primary and heavily used recreation amenity within

Eden Prairie and any closure of this trail would have significant impacts. The functionality of this trail must be maintained throughout construction.

24) Section 3.2.4.4 Subp. B. (Bicycle and Pedestrian) – The design of Southwest LRT should not preclude or increase the cost of providing a direct trail connection between the Prairie Center Drive / Technology Drive intersection and the Southwest Station platform.

25) Section 3.2.4 (Utilities) – The City of Eden Prairie has a number of large diameter collector and distribution water lines within the proposed SWLRT project limits. Shut down of these lines would have a significant impact on the City's water operation and cannot be permitted during the peak demand months. Shut downs to other lines may also need to restricted. All watermain shut downs must be coordinated with the City and impacted businesses, residents, and property owners. In addition any impacts to sanitary sewer lines and services must also be coordinated with the City and impacted businesses, residents, and property owners.

26) Exhibit F-32 (LRCIs) – LRCIs 5 and 7 should also be shown along Eden Road.

Sincerely,

Rick Getschow
City Manager

CC: Mayor and City Council

CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA

RESOLUTION NO. 2015-73

SUBMIT COMMENTS ON THE
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (SDEIS)
FOR THE SOUTHWEST LIGHT RAIL TRANSIT PROJECT

WHEREAS, the Southwest Light Rail Transit Project is a proposed 16-mile light-rail line serving Eden Prairie, Minnetonka, Hopkins, St. Louis Park and Minneapolis; and

WHEREAS, in response to public comments received on the Southwest Transitway Draft Environmental Impact Statement (DEIS), the Metropolitan Council made changes to the proposed design on the Southwest Light Rail Transit Project; and

WHEREAS, the Federal Transit Administration and the Metropolitan Council determined that a Supplemental Draft Environmental Impact Statement (SDEIS) is needed to document environmental impacts that were not identified in the DEIS; and

WHEREAS, the Supplemental Draft Environmental Impact Statement (SDEIS) is available for public comment through July 21, 2015; and

WHEREAS, the City Council appreciates the opportunity to review the SDEIS and desires to respectfully submit comments on the SDEIS.

NOW, THEREFORE, BE IT RESOLVED that the Eden Prairie City Council authorizes the City Manager to submit comments on the SDEIS consistent with the Council Agenda Memorandum during the SDEIS public comment period.

ADOPTED by the Eden Prairie City Council on July 14, 2015.

Nancy Tyra-Lukens, Mayor

ATTEST:

Kathleen Porta, City Clerk

From: Lavelle, Ray
To: swlrt
Cc: Schroeder, Michael
Subject: Comment Letter from MPRB
Date: Tuesday, July 21, 2015 4:58:25 PM
Attachments: 2015-07-21 SDEIS Response Letter from Liz Wielinski.pdf

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Please see the attached comment letter from Mpls. Park & Recreation Board.

Thank you.

Ray

Ray Lavelle
Executive Assistant/Planning Division
Minneapolis Park and Recreation Board
2117 West River Road
Minneapolis, MN 55411
(612) 230-6472
www.minneapolisparks.org

July 21, 2015

Nani Jacobson
Assistant Director, Environmental and Agreements
Metro Transit – Southwest LRT Project Office
6465 Wayzata Blvd., Suite 500
St. Louis Park, MN 55426

Dear Ms. Jacobson:

The Minneapolis Park & Recreation Board (MPRB) welcomes this opportunity to comment on the Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit (SWLRT) project. The MPRB's comment letter builds upon statements and outcomes noted in comments on the Draft Environmental Impact Statement (DEIS) while focusing on the changes to the project noted in the SDEIS. To best recognize the MPRB's earlier comments, members of a Community Advisory Committee formed to guide comments on the DEIS were assembled to offer insights related to the SDEIS.

In 1883, the Minneapolis Park & Recreation Board was created by an act of the Minnesota State Legislature and a vote of Minneapolis residents. It serves as an independently elected, semi-autonomous body responsible for governing, maintaining, and developing the Minneapolis park system. The MPRB's mission is as follows:

The MPRB shall permanently preserve, protect, maintain, improve, and enhance its natural resources, park land, and recreational opportunities for current and future generations.

The MPRB exists to provide places and recreation opportunities for all people to gather, celebrate, contemplate, and engage in activities that promote health, well-being, community, and the environment.

The MPRB is one of ten regional park implementing agencies. It works with the Metropolitan Council to acquire and develop regional parks and trails to protect natural resources and provide outdoor recreation for public enjoyment in the Metropolitan Area. In 2011, based on Metropolitan Council annual use estimates, the regional parks and trails that are impacted by the proposed SWLRT alignment received more than 6 million visits.

The MPRB is obligated to ensure that parks and trails and the interests of current and future park and trail users are not substantially impaired by the project. It is within this context that the MPRB makes the comments contained in this letter. As stated in the MPRB's comments on the DEIS, there are several overarching messages the MPRB wishes to express

regarding the SWLRT project:

- MPRB remains supportive of light-rail transit.
- Current development and public use of the corridor within Minneapolis has an open and natural character that includes portions of the Minneapolis Chain of Lakes Regional Park, Grand Rounds National Scenic Byway, Kenilworth Regional Trail, Cedar Lake Regional Trail, and Cedar Lake Park. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. To retain the area's character the water table levels and quality, cultural landscapes, habitat, and open space must be protected and preserved.
- Other parks in or near the corridor include Alcott Triangle, Park Siding Park, and Bryn Mawr Meadows. These parks serve more neighborhood use and maintaining existing park settings, access, and use are clear priorities of the MPRB.
- Visual quality and noise are key areas of concern for the MPRB. The introduction of light rail transit in combination with freight rail poses the potential for significant disturbance to a corridor that, once disturbed, may never regain the "dense regular massing of trees bordering the corridor [that] creates a highly memorable element," as noted in the SDEIS.
- The seamless connections between and among parks and trails is a key attribute of the Kenilworth Corridor, one which the MPRB believes should be present in the corridor to at least to the extent it is today after introduction of the combination of LRT and freight rail.
- The perpetuation of freight rail in the Kenilworth Corridor, which the MPRB believes makes that infrastructure a permanent element, is a substantive change from the DEIS, one that varies dramatically from a long-held understanding of the use of the corridor and one that poses significant safety concerns for trail users and the natural setting and environment of the corridor.

The MPRB believes many of its comments offered as part of its response to the DEIS remain valid and should be perpetuated. To that end, we have attached our comments on the DEIS to this response to the SDEIS.

Thank you for this opportunity to comment on the SDEIS for the SWLRT project. If you have any questions, please do not hesitate to contact Michael Schroeder, Assistant Superintendent for Planning, at mschroeder@minneapolisparks.org.

Sincerely,

Liz Wielinski
President, Minneapolis Park & Recreation Board

Attachments: SDEIS Comments (July 21, 2015)
SDEIS Comments (December 5, 2012)

Comments Submitted by the Minneapolis Park & Recreation Board in Response to the Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit Project
July 21, 2015

CONTINUATION OF FREIGHT RAIL OPERATIONS IN THE KENILWORTH CORRIDOR

REVIEW

As described in the SDEIS, changes to the St. Louis Park/Minneapolis Segment of the SWLRT project would continue freight rail operations in the corridor by co-locating those facilities with the proposed LRT infrastructure. This change presents concerns related to the baseline comparison of impacts evaluated in the SDEIS.

In a *relocation* solution, issues related to freight rail operations in the Kenilworth Corridor are eliminated. The impacts of LRT on the setting and experience of the corridor can be based solely on the introduction of LRT. The baseline for noise is greatly reduced with the elimination of freight rail operations in the corridor, the need for expanding the corridor is limited, the existing significant and character-defining visual features are largely retained, and concerns for safety can be limited to the interactions of corridor users with light rail operations only.

With *co-location*, the noise of LRT is additive to freight rail, the corridor must be significantly expanded by impacting features noted in the SDEIS as definitive of the character of the Kenilworth Corridor, safety concerns related to trail access and blockage of trail connections are increased, and concerns related to park and trail user safety relative to the potential for spills and combustion of conveyed freight becomes significant. In addition, significant disturbance and additional construction is required near sensitive environmental and recreational features.

The MPRB is interested in a more direct comparison of impacts related to visual quality, noise, safety, and construction using re-location as a baseline. While we understand the solution proposed in SDEIS is co-location, we believe the impacts and, importantly, the strategies for mitigation, are best documented using parallel comparisons of co-location and relocation.

OUTCOMES

A. A comparison of the effects of co-location based on a solution where freight rail is not present in the Kenilworth Corridor.

SDEIS SECTION 3.4.1.3 (CULTURAL RESOURCES)

REVIEW

The Kenilworth Corridor is a resource enjoyed by tens of thousands of visitors each year. While it serves as a bicycle commuting route between Minneapolis and southwest suburbs, users are attracted to the corridor as a recreation resource based on its location relative to features of the Minneapolis' Grand Rounds and the Minneapolis Chain of Lakes Regional Park and the unique settings of each. Cultural resources are prominent as an attraction and the SDEIS identifies features important to the MPRB and, notes adverse effects of the SWLRT project on those features and resources.

The MPRB offers the following comments relative to Section 3.3.1.3 (Cultural Resources) provided in the SDEIS:

1. Table 3.4-4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would be adversely affected under the LPA), Historic Districts, XX-PRK-001, notes impacts to the Grand Rounds from the introduction of LRT. The MPRB is keenly interested in preserving the qualities and integrity of the Grand Rounds, a resource under its jurisdiction. The MPRB agrees that the project poses the potential for adverse impacts, but also notes those impacts cannot be fully understood from information presented in the SDEIS. The MPRB anticipates the Metropolitan Council will provide information sufficient and comprehensive in nature to understand and evaluate impacts on the Grand Rounds, particularly as it relates the visual quality and encroachments of LRT and LRT-supporting infrastructure, as well as any new freight rail infrastructure, on the setting and viewsheds of the Grand Rounds.

2. Table 3.4-4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would be adversely affected under the LPA), Individual Resources, HE-MPC-1822 cites the impacts on the Kenilworth Lagoon. The MPRB agrees that passage under the proposed bridges is a significant issue and that the introduction of additional bridge deck area poses an impact on the experience of users of the Kenilworth Channel (referred to as the Kenilworth Lagoon in the SDEIS). The MPRB, through a Memorandum of Understanding (MOU) created between the MPRB and the Metropolitan Council, have agreed to cooperate on the design of the bridge crossings of the channel. That process has not concluded so comment on the impacts cannot be offered. In the MOU, a process for designing the bridges and concepts for their design were framed. The MPRB anticipates the design will be aligned with the terms of the MOU. Significantly, the MPRB seeks a solution that encourages passage for channel users by reducing or eliminating encroachment of bridge components into the channel as the primary method of respecting the historic qualities of the channel.

3. Table 3.4-4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would not be adversely affected under the LPA), Individual Resources, HE-MPC-1833 cites Cedar Lake Parkway as unaffected by the project. It notes effects considered include “LRT tunnel portal outside of the parkway” but views from the parkway to this portal are part of the experience of the parkway. In fact, views demonstrated for the tunnel portal and the necessary fencing (Appendix J, Exhibit J-13) suggest that infrastructure is significant to the viewshed from the parkway. In addition, Section 3.4.1.5 (Visual Quality and Aesthetics) notes the positive effects of the “dense regular massing of trees bordering the corridor creates a highly memorable moment.” That visual feature is, in the view of the MPRB, part of the experience of the parkway. As a result, the MPRB disagrees that Cedar Lake Parkway is unaffected by the project and recommends it be included with other adversely impacted resources.

<u>OUTCOMES</u>

A. Encroachments of LRT and LRT-supporting infrastructure as well as freight rail and its infrastructure are demonstrated for their visual impacts on cultural resources present on MPRB parklands and recreation areas and that methods of reducing those visual impacts on the experience of parks and trails users is minimized.

SDEIS SECTION 3.4.1.4 (SOURCE: MNDOT CRU, 2014.IMPACTS ON PARKLANDS, RECREATION AREAS, AND OPEN SPACES)

REVIEW

The Kenilworth Corridor and the North Cedar Lake Trail are maintained or owned and maintained by the MPRB as significant regional recreation resources. The introduction of LRT in a co-location scenario is a concern for the MRPB particularly from the perspective of impacts on these resources and safety concerns resulting from co-location. For the MPRB, the Kenilworth Corridor serves 550,000 users annually and the North Cedar Lake Trail serves 414,000 users annually (estimates provided by the Metropolitan Council), making these parklands, recreation areas, and open spaces areas of primary concern for the MPRB. Because this section deals, in part, with access to those facilities, the MPRB believes safety at crossings of LRT and freight rail infrastructure should be addressed.

The MPRB offers the following comments relative to Section 3.4.1.4 (Source: MnDOT CRU, 2014, Impacts on Parklands, Recreation Areas, and Open Spaces) provided in the SDEIS:

1. Section 3.4.1.4 (Source: MnDOT CRU 2014.Parklands, Recreation Areas, and Open Spaces) notes "there would be no long-term direct impacts from the LPA on parklands, recreation areas, and open spaces in the segment." Co-location poses the potential for safety impacts, which the MPRB considers to be a long-term and direct impact on resource users. The presence of freight rail and its impacts on safety for users of the Kenilworth Corridor has not been fully addressed in the SDEIS from the perspective of any failure of LRT or freight rail infrastructure and the ability to respond to an emergency condition.

2. Table 3.4-6 (Parks, Recreation Areas, and Open Spaces in the St. Louis Park/Minneapolis Segment) notes resources and impacts in this segment of the project. The MPRB agrees this list is complete and accurate based on its understanding of the project as demonstrated through the SDEIS, but notes that safety concerns noted in the introduction to this section are not included in the "Types of Impacts." From the perspective of the MPRB, any crossing of LRT or LRT and freight rail that is not grade-separated poses an impact on users of the parkland, recreation area, or open space resource. In particular, the MPRB is concerned that the combination of LRT and freight rail compromises safety for pedestrian and bicycle crossings when those crossings occur at-grade and recommends the Metropolitan Council address those crossings in greater detail and for any changes where grade separation is eliminated that the Metropolitan Council demonstrate the ways in which an at-grade crossing can be made equally safe as the grade-separated crossing. While the SDEIS references Appendix G for information related to crossings, the diagrams are too general to understand the specific measures to be implemented to maintain a safe crossing for pedestrians and bicyclists of LRT or LRT and freight rail.

3. Under Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts, it is noted the "The indirect impacts of the LPA would be in the form of visual, noise, and/or access impacts, addressed in greater detail in Sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS." This section of the SDEIS references the North Cedar Lake Regional Trail and correctly notes it is owned and operated by the MPRB. However, Section 3.4.1.5 (Visual Quality and Aesthetics) does not fairly or fully address the visual impacts of a bridge crossing of LRT and freight rail. The MPRB believes this structure poses the potential for a significant visual impact on the

setting of Cedar Lake Park due to its length and height. While the MPRB supports inclusion of the bridge to provide safe crossing of LRT and freight rail, its design poses the potential for a significant impact on the parkland resource of Cedar Lake Park and on users of the North Cedar Lake Regional Trail.

OUTCOMES

A. The corridor design fully addresses potential safety impacts posed by LRT and freight rail in the corridor, including accommodation of emergency response in the event of a spill, leak, or combustion of any conveyed freight.

B. Fire, police, and emergency medical personnel and equipment are able to access parklands adjacent to the corridor and provide response times that meet relevant laws and standards.

C. At-grade trail crossings at LRT and freight rail, especially where the trail must cross both facilities in the same location, are made equally as safe as a grade-separated crossing.

D. The visual quality of all structures within or visible from parklands are addressed in ways that minimize their intrusion upon the natural settings or activity areas

E. The North Cedar Lake Trail bridge crossing LRT and rail infrastructure is designed to minimize its visual impact and any adverse impacts to its setting in Cedar Lake Park.

SDEIS SECTION 3.4.1.5 (VISUAL QUALITY AND AESTHETICS)

REVIEW

The Kenilworth Corridor presents a visual quality that is recognized in the SDEIS as "dominated by the existing trails themselves and adjacent active freight rail track. The trails and freight rail alignment are generally surrounded by overstory and understory deciduous vegetation." The SDEIS further describes the visual quality of the corridor by stating "Dense regular massing of trees bordering the corridor creates a highly memorable element." The MRPB confirms these points as the key visual elements of the corridor, both of which are central to the experience of the corridor. It also notes that the SDEIS, in general, considers visual quality impacts during a limited portion of the year, but because of the year-round use of parks and recreation areas addressed in the SDEIS, impacts on visual quality should consider "leaf-off" conditions.

The MPRB offers the following comments relative to Section 3.4.1.5 (Visual Quality and Aesthetics) provided in the SDEIS:

1. While the process of documenting existing visual character is clear and follows processes to which the MPRB agrees, the nature of views as static are contrary to the experience of corridor users. The nature of an assessed view should be translated to the experience of a traveler in the corridor; that is, instead of a limited number of viewpoints attempting to characterize the visual experience, the constantly changing viewpoints of a bicyclist or a pedestrian should be considered. It is from that perspective that the "dense regular massing of trees bordering the corridor" becomes important.

2. Section 3.4.1.5 (Visual Quality and Aesthetics) indicates that Traction Power Substations (TPSS) will be sited in "fully developed areas, including surface parking lots, existing roadway right-of-way, and vacant parcels where feasible." The Kenilworth Corridor, a primary concern of the MPRB, has none of these siting opportunities. Because these features should be considered a visual intrusion similar to the "addition of the station infrastructure and the overhead equipment required by the LRT," Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints, Viewpoint 6, Intactness), they should be considered a significant factor for the change in visual quality in the corridor.

3. Table 3.4-7 (Existing Visual Quality and Aesthetics by Viewpoint in the St. Louis Park/Minneapolis Segment) reinforces the roles of the dense massing of trees in forming the vividness and unity of the corridor from the perspective of visual quality. It further suggests the viewpoints are generally free of visual encroachments. To these points, the MPRB offers its concurrence.

4. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) indicates the primary thresholds for visual character are decreased or diminished by the removal of trees to accommodate the transit and freight rail improvements and by the introduction of LRT-supporting infrastructure. In essence, the MPRB would interpret this to mean the existing visual character—and therefore, the visual experience—is denigrated by the proposed changes. From that perspective, and regardless of the formula applied to achieve the visual impact ratings, each viewpoint should be considered substantially impacted. In addition, this table seems to underestimate the impacts of LRT-supporting infrastructure. In demonstrations included in Appendix J, every preliminary rendering with LRT running at grade includes LRT-supporting infrastructure that becomes an intrusion upon the visual experience for users of the Kenilworth Corridor.

5. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) for Viewpoint 3 describes the view from Cedar Lake Parkway toward the tunnel and the channel crossing. The description notes the tunnel portal as a part of the view, but the lack of notation regarding the portal suggests that it has no visual impact. In fact, the preliminary rendering shown in Exhibit J-13 would suggest the portal has a substantial visual impact. Replacing the existing split rail fence with a taller and more expansive fence at the portal does not respect the intactness described for this viewpoint in Table 3.407. While the SDEIS notes this as a substantial visual impact, the MPRB remains very concerned that mitigation will not restore the visual experience currently enjoyed by trail users.

6. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) for Viewpoint 5 indicates the "increased clearance and openness under the bridge would create a visual connection between the segments of the lagoon north/south of the new bridges." The MPRB agrees this is a positive change. However, the narrative description for Viewpoint 5 suggests "the bridge, as currently conceived, will have an attractive design that will become a positive focal point in the view." From the perspective of the MPRB, this set of bridges has the potential of substantially improving the visual experience of the lagoon by removing as many piers as possible from the water, thereby reinforcing the lagoon itself as the focal point—not the bridge. As the design of the bridges proceeds, the MPRB encourages enhancement of the openness of the view, removal of bridge encroachments into the lagoon, and minimizing the

visual focus of the new bridges. The narrative description of this viewpoint indicates the impact as "Not Substantial," but this determination is largely dependent on the design of the introduced bridges.

7. Table 3.4-8 (Anticipated Direct Change and Impact in Visual Quality and Aesthetics from St. Louis Park/Minneapolis Segment Viewpoints) for Viewpoint 6 indicates the same response for Intactness and Unity. But more important, the description of the change suggests "the addition of the station structures will make a positive contribution to the level of vividness that counterbalances the loss of vividness due to vegetation removal." While a formulaic application of a visual quality assessment might allow for the substitution of one factor of visual quality for another, the MPRB suggests the introduction of a station cannot be considered a reasonable replacement for the loss of trees, especially when the assessment of views for the corridor suggests the dense massing of trees is a central feature of the corridor and that two of the three factors evaluating the view indicate the loss of trees decreases or reduces the factor (and the third factor cannot be determined from the SDEIS because of an apparent typographical error).

8. Section C (Mitigation Measures) indicates mitigation measures will "include landscaping, visual treatment and continuity with the elevated light rail structure design, lighting, and signage." A footnote references Section 3.4.1.3, but is suggesting measures of mitigation will be achieved through "sensitive design and the incorporation of protective measures" (Table 3.4 (Cultural Resources in St. Louis Park/Minneapolis Segment that would be adversely effected under the LPA), Individual Resources, HE-MPC-1822). The MPRB suggests that further definition is required to understand how sensitive design and protective measures will replace the "dense regular massing of trees bordering the corridor" that is indicated in the SDEIS as creating a "highly memorable element."

9. While this section of the SDEIS addresses key viewpoints of concern to the MPRB, it fails to address other significant points of visual quality related to MPRB resources. In particular, this section does not address the impacts on visual quality of the proposed grade-separated crossing of LRT and freight rail of the North Cedar Lake Regional Trail (an MPRB-owned and operated facility) and Cedar Lake Park. In addition, there is no mention of the landing for a bridge extending from Van White Memorial Boulevard and its impacts on Bryn Mawr Meadows, parkland under the jurisdiction of the MPRB. Finally, Table 3.4-6 (Parks, Recreation Areas, and Open Spaces in the St. Louis Park/Minneapolis Segment) notes visual changes as an impact at Park Siding Park, but no mention of the visual quality impacts are noted in Section 3.4.1.5.

<u>OUTCOMES</u>

A. The "dense regular massing of trees bordering the corridor" remains a defining element of the corridor.

B. Assessments of visual quality address "leaf-off" conditions in recognition of the year-round use of the Kenilworth Corridor and MPRB parks and recreation areas.

C. LRT-supporting infrastructure, including features not addressed or not fully addressed in the Visual Quality and Aesthetics section such as traction power substations and the LRT tunnel portal, is designed in ways that minimize visual impacts upon trail users.

D. The experience of Kenilworth Channel users is orchestrated to maintain focus on the channel as the primary feature, with bridges that remain background elements for channel users.

E. Stations, while significant structures in the setting of the Kenilworth Corridor, are not substitutes for the visual quality of the existing natural setting.

F. Visual impacts to all parklands are addressed through a process that emphasizes the quality of the visual experience with the natural setting as the dominant feature.

SDEIS SECTION 3.4.2 (ENVIRONMENTAL EFFECTS)

REVIEW

The physical location of the Kenilworth Corridor is important to the MPRB not only as a recreation resource, but because of its geographic context among several lakes of the Chain of Lakes Regional Park. Instances of environmental degradation related to the introduction of LRT are of primary concern because of the proximity of the natural features along the corridor. Still, the corridor is an important recreation feature, offering a route for pedestrians and bicyclists totaling more than 550,000 visits per year. The introduction of LRT alongside freight rail poses changes related to safety and connectivity that are a paramount concern for the MPRB.

The MPRB offers the following comments relative to Section 3.4.2 (Environmental Effects) provided in the SDEIS:

1. Section 3.4.2.1 (Geology and Groundwater) notes “there is the potential for long-term pumping of surface water from the tunnel portals (predominantly stormwater) that collects inside and at the lowest point of the tunnel portals and is routed to underground infiltration chambers.” This section notes further “As described in the Draft EIS, in areas of high groundwater elevations and granular soils, there is an increased potential for groundwater contamination as a result of previous hazardous and contaminated materials spills.” In a description of the effects of the tunnel on lake levels, the SDEIS indicates “Groundwater and lake levels in the area surrounding Cedar Lake, Lake of the Isles, and Lake Calhoun are very similar, with little change in elevation across the system” and “there is little or no groundwater gradient among the lakes; groundwater does not ‘flow’ from one water body to another.” During the MPRB’s study of alternative crossing of the Kenilworth Channel, consultant reports suggest there is a directional movement of groundwater in this area, with a general direction along the alignment of the LRT corridor. The MPRB notes these statements as inconclusive relative to the potential for contamination and adverse impacts on the lakes. That construction activities could increase the potential for groundwater contamination, that groundwater (now potentially contaminated) would be collected upon entering portion of the tunnel and then infiltrated using underground chambers, and that there is evidence the groundwater system in this area is connected (regardless of flow), suggests a risk for groundwater contamination from the presence of the tunnel that needs to be addressed.

   The SDEIS focuses on the potential impacts of groundwater contamination resulting from LRT operations and suggests “The potential to contaminate groundwater from operation of the light rail system would be low, because the trains would be electric and, generally, no activities that generate

pollutants would occur in this area." Notwithstanding the MPRB's comments above related to groundwater, the SDEIS does not address the potential for contamination of groundwater from the operations of freight rail in the Kenilworth Corridor. Because co-location is the basis of the SDEIS and because the LPA makes freight rail a permanent component of the corridor, the potential for groundwater contamination from freight rail operations should be addressed.

2. Section 3.4.2.1 (Geology and Groundwater), part C (Mitigation) addresses a groundwater management plan to be prepared as part of the project and that it would address "collection, storage, and disposal of surface water runoff from the light rail track systems, stations, and other infrastructure developed as part of the project." Because the LPA is based on co-location with freight rail becoming a permanent component of the corridor, freight rail is part of the "other infrastructure developed as part of the project" and should be addressed in the groundwater management plan.

3. Section 3.4.2.2 (Water Resources: Wetlands, Floodplains, Public Waters, and Stormwater Management, Part B. Potential Water Resource Impact, Public Waters and Stormwater Management) indicates that "runoff from newly poured concrete surfaces can have high alkalinity, often above pH 9, which can result in degraded water quality and can affect fish." This section further states "The concrete used for this project would take several months to cure enough so that the pH of exposed surfaces decreased to acceptable levels. Stormwater runoff would be tested, and if excessive levels of pH or turbidity are found, the runoff would be treated before it is released to storm sewers or a receiving water body." From the perspective of the MPRB, "acceptable levels" would be at least the same as those levels found prior to the construction of the improvements. In addition, when the receiving water bodies include those under the jurisdiction of the MPRB or are related to its park resources, the MPRB would urge the Metropolitan Council to treat any runoff from those surfaces that might degrade water quality or affect fish, and to not rely upon finding excessive levels of pH or turbidity (at which point, the MPRB assumes, some stormwater runoff would have already entered receiving water bodies).

   In addition, the SDEIS fails to address the potential impacts to water resources from a spill or leak of conveyed freight in the Kenilworth Corridor. Because the LPA makes freight rail a permanent component of the corridor, the potential impacts should be recognized and addressed as a part of the SDEIS.

4. Section 3.4.2.3 (Noise), A. Existing Conditions indicates that east of West Lake Station and the Kenilworth Lagoon "Currently, the dominant noise source in the segment is existing freight rail traffic." The nature of the park setting suggests that this noise level not be exceeded by the combination of LRT and freight rail in the corridor. In fact, and as noted at the beginning of these comments, the MPRB believes a more fair demonstration of impacts would be achieved by indicating a comparison to a re-location solution where the impacts of noise from freight rail would be eliminated from the corridor.

5. Section 3.4.2.3 (Noise), B. Potential Noise Impacts, Long-Term Direct and Indirect Noise Impacts indicates that "The presence of the proposed tunnel in the Kenilworth Corridor eliminates almost all noise impacts relative to an at-grade LRT system within the same segment of the corridor," yet it fails to identify what noise impacts remain. The MPRB desires clarity on those impacts that remain after "almost all" have been eliminated so that it can better understand the mitigation that might be

proposed. Table 3.4-12 (Summary of Noise Impacts for Category 1 and Category 3 Land Use – St. Louis Park/Minneapolis Segment) summarizes impacts of noise on the Kenilworth Channel and Kenilworth Lagoon Bank. A MOU between the MPRB and the Metropolitan Council addresses concerns related to noise at the Kenilworth Channel crossing and suggests that a design for the bridges would "incorporate strategies or features in the design of a bridge that respond to findings of MPRB's study of channel crossing concepts." The MOU indicates "The MPRB undertook a study of the channel crossing and determined visual quality and noise as the MPRB's highest priorities for consideration in the design of the bridge." Notwithstanding the statements of this section, the MPRB expects the Metropolitan Council will maintain adherence to the MOU and determine methods of reducing noise impacts in the area of the Kenilworth Channel and Kenilworth Lagoon Bank regardless of the type and number of impacts indicated in the SDEIS because, as is noted in this section of the SDEIS, "quietude is essential feature of the park."

6. Section 3.4.2.4 (Vibration), C. Mitigation Measures indicates mitigation for vibration impacts will be incorporated in a vibration mitigation plan. For the MPRB, vibration impacts at the Kenilworth Channel bridges remain a concern. Preliminary design directions for the bridges suggest the potential for a trail bridge separated from an LRT bridge. The MPRB believes this is significant in reducing vibration impacts for trail users, even as we understand that vibration for outdoor receptors are not a consideration.

7. Section 3.4.2.5 (Hazardous and Contaminated Materials) indicates the design of the tunnel would include measures that would, "In the unlikely event of a spill of hazardous or contaminated materials in the tunnel… prevent infiltration of groundwater through the tunnel bottom and allow contaminated materials to be collected… and not released into the groundwater." While these measures for unlikely events are appreciated, the MPRB remains concerned about the potential for construction activities to change conditions and allow contaminated materials to move toward lakes or other water bodies.

8. Section 3.4.4.5 (Bicycle and Pedestrian) describes the impacts of the LPA on bicycle and pedestrian facilities, many of which are under the jurisdiction of the MPRB in this segment of the corridor. The MPRB desires further information on the safe crossing of LRT and freight proposed in the area of the 21st Street Station due to its proximity to East Cedar Beach. The combination of rail crossings at this location poses concerns for pedestrian and bicycle access, in particular resulting from those users becoming suddenly and temporarily "trapped" between rail crossings. Recent discussions of the Metropolitan Council related to cost reductions suggest elimination of the North Cedar Lake Trail Bridge which would present the same concerns to the MPRB. Crossings for pedestrians in the area of the West Lake Street Station are also concerns for the MPRB, in part because of the attraction of Lake Calhoun and desires for movement to the Minneapolis Chain of Lakes Regional Park. This section notes Appendix G offers a conceptual design of improvements but the diagrams are too general to understand the ways in which pedestrian and bicycle safety will be provided.

9. Section 3.4.4.5 (Bicycle and Pedestrian) describes impacts related to LRT for pedestrians and bicyclists, but the significant change presented in the SDEIS is the presence of freight rail in the Kenilworth Corridor. The MPRB believes freight rail can be a safety concern for trail users and it should be addressed in a Final Environmental Impact Statement. Further, other portions of the SDEIS describe the potential for blockage of local roadways by freight trains, but the SDEIS does not describe the potential for blockage of trail intersections. In particular, if the proposed North Cedar

Lake Trail bridge is eliminated as a cost saving measure, an FEIS must address the blockage of the intersection of the North Cedar Lake Trail and address any safety concerns for trail users resulting from such a blockage. In addition, the MPRB is concerned about potential blockage by freight rail at West 21st Street, not only from the perspective of access to East Cedar Beach by park users but recognizing the need to maintain access to the beach for emergency vehicles.

10. Section 3.4 does not address the impacts on wildlife and wildlife migration in the Kenilworth Corridor or Cedar Lake Park. These are significantly large natural and habitat areas and the impacts of LRT and freight rail infrastructure, particularly fencing and walls, should be addressed by the project.

OUTCOMES

A. Any permanent dewatering methodologies applied to the corridor protect water table levels and quality, and habitat within the parklands that is dependent on those water levels.

B. The groundwater management plan addresses impacts of all rail infrastructure, not just new LRT infrastructure.

C. When dealing with construction impacts to water bodies within or near parklands, best practices are implemented as a baseline for project activities, not as a response to discovered excessive pH or turbidity levels.

D. Noise and vibration impacts are minimized for park and trail users and maintained at levels not greater than the extant condition.

E. Because co-location makes freight rail a permanent condition in the corridor, comparisons are made to conditions that do not use freight rail as a baseline to ensure proper mitigation is included as part of the project.

F. Bridge crossings of the Kenilworth Channel are achieved with a separated trail structure to ensure vibrations from rail are not translated through the structures to pedestrians or bicyclists.

G. Technologies are incorporated that reduce track noise and vibration.

H. Potential contamination, spills, and leaks from freight rail operations will not impact the natural features or environmentally sensitive elements of the corridor, and the potential for combustion of conveyed freight is addressed with considerations of impacts on park and trail users and emergency response requirements.

I. Fire, police, and emergency medical personnel and equipment are able to access parklands adjacent to the corridor and provide response times that meet relevant laws and standards.

J. The potential for construction activities to change conditions and allow contaminated materials to move toward lakes or other water bodies is addressed as a core component of the implementation plan.

K. Bicycle and pedestrian intersections with LRT and freight rail infrastructure if required to be at-grade are developed in ways that are equal in safety to grade separated crossings.

L. Trail crossings of rail infrastructure does not create blockage for trail users except when trains are passing (in motion through) the crossing.

M. The trail design meets the needs of current and projected users.

N. All trail connections are maintained or improved.

SDEIS SECTION 3.5 (DRAFT SECTION 4(F) IMPACTS)

REVIEW

The MPRB provided information to the Metropolitan Council related to its park properties along and near the SWLRT corridor. The MPRB agrees that the list of properties included in the SDEIS is complete and correct.

The MPRB offers the following comments relative to Section 3.5 (Draft Section 4(f) Impacts) provided in the SDEIS:

1. Table 3.5-2 (Summary of FTA's Preliminary Section 4(f) Property Use Determinations) lists and describes the impacts of SWLRT on MPRB park properties. The MPRB agrees with the determinations provided the comments of this section are recognized and addressed by the project.

2. Section 3.5.1.4 (Section 4(f) Use Definitions and Requirements), A. Individual Section 4(f) Evaluation indicates "*de minimus* use is described below in Section 3.5.1.6." The SDEIS published by the Metropolitan Council does not include this section.

3. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), I. Park Siding Park – Preliminary No Section 4(f) Use Determination, Preliminary Determination of Temporary Section 4(f) Use indicates that 0.016 acre of the park would be used to construct and remove a temporary trail detour as a result of the SWLRT project. It has been discussed that changes made necessary by the SWLRT tunnel will result in the need to reconstruct a portion of sanitary sewer in the area of Cedar Lake Parkway, a part of which will impact Park Siding Park. The FEIS should identify this need, if in fact the park is required for this construction activity.

4. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), J. Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use indicates the channel "would not be adversely impacted under the LPA and the horizontal clearances between the banks and the new piers [of bridges supporting the trail, LRT, and freight rail] would be of sufficient width to accommodate recreational activities that occur within the channel/lagoon." The MPRB has been active in the design of bridges and understands it is possible to span the channel for the purposes of the trail crossing with no piers extending into the water and that it may be possible to span the channel for the purposes of the LRT crossing with no piers extending into the water. The MPRB considers this possibility to be a positive feature of a proposed bridge as it maximizes the

open water available in the channel for recreation use. However, the bridge decks are more expansive than in the extant trail/freight rail bridge causing concerns for the amount of snow that might be collected on the channel under the bridge. Winter activities, including cross-country skiing are important features of this part of the park and must be considered as a part of the crossing.

5. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), J. Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) Use indicates the new bridge crossings of the Kenilworth Channel "would have an attractive design that would become a positive focal point in the view." In the visual quality assessment, this view change is indicated to be Not Substantial, but in fact views of the bridges should be of secondary importance when compared to the channel—the historic resource.

6. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), J. Kenilworth Channel/Lagoon (as an element of the Minneapolis Chain of Lakes Regional Park) – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use indicates the areas of the Kenilworth Channel would be moderately impacted by noise. The MPRB, through an MOU with the Metropolitan Council, has identified noise generated by LRT to be a primary concern and one that will be addressed as a part of the bridge design process.

7. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), K. Cedar Lake Park – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use: Section 4(f) *de minimis* Use, Cedar Lake Junction indicates the realignment of an existing trail to create a grade-separated crossing of LRT and freight rail. Because of the intensity of trail use, managing crossings for pedestrian and bicyclist safety remains a primary concern for the MPRB. In addition, the MPRB recognizes this crossing, due to its height and length, would permanently alter the setting in the north portion of Cedar Lake Park. The design of the bridge should, in the opinion of the MPRB, find ways to minimize its visual impact on trail and park users. In the SDEIS, this bridge was not addressed in the section related to Visual Quality and Aesthetics.

8. Section 3.5.4.1 (Publicly Owned Parks and Recreation Areas), L. Bryn Mawr Meadows Park – Preliminary *De Minimis* Determination, Preliminary Determination of Permanent Section 4(f) Use indicates a bridge and a new elevated section of the Luce Line Trail would be constructed in a portion of the park and trails connecting to this bridge would be reconstructed in a portion of the park. While the MPRB is supportive of the demonstrated alignment, the presence of the bridge in the park setting is significant. In the SDEIS, this bridge was not addressed in the section related to Visual Quality and Aesthetics.

<u>OUTCOMES</u>

A. Minneapolis Chain of Lakes Regional Park and adjoining parkland remains a quiet, tranquil, and natural park destination.

B. The area between Lake Street and I-394 is naturally beautiful and serene.

C. Bike and pedestrian trails remain with the same or better design quality and width as current trails; these include those that run along and across the corridor, as well as access trails.

D. The trail design meets the needs of current and projected users.

E. All trail connections are maintained or improved.

F. At all points along the corridor, and especially at the narrowest locations, sufficient space remains for trails, trail users, and year-round maintenance vehicles and crews.

G. Trail crossings of LRT and freight rail are safe and logical, and do not present unnecessary delays for trail or park users.

H. The combination of LRT and freight rail does not impact the safety of park, trail or beach users.

I. Fire, police, and emergency medical personnel and equipment are able to access parklands adjacent to the corridor and provide response times that meet relevant laws and standards.

J. Structures introduced to parklands to support LRT or accommodate its presence or to support freight rail are designed to allow the park setting to remain the prominent feature of the park or recreation use.

K. Recreation activities currently available in the Kenilworth Corridor and MPRB parks are equal to or better upon completion of the SWLRT project as those that exist.

L. Park or recreation features are restored upon completion of temporary construction activities to match as closely as possible the extant conditions.

Minneapolis Park and Recreation Board
Southwest Transitway DEIS Comment Letter


Lake Calhoun


Cedar Lake


Lake of the Isles


Lake of the Isles

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Transmittal Letter

December 5, 2012

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Minneapolis, MN 55415

Re: Minneapolis Park and Recreation Board Comments on the Southwest Transitway Draft Environmental Impact Statement

Dear Project Manager:

The Minneapolis Park and Recreation Board (MPRB) welcomes this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Southwest Transitway (LRT) project. In collaboration with its appointed Community Advisory Committee, the MPRB prepared the following comment letter for Segment A of the Locally Preferred Alignment (LPA) for the project. It contains the MPRB's desired outcomes for the project relative to historical, cultural, visual, recreational, social, environmental, and safety impacts on the park and recreation resources it owns, manages, or maintains.

In 1883, the Minneapolis Park and Recreation Board was created by an act of the Minnesota State Legislature and a vote of Minneapolis residents. It serves as an independently elected, semi-autonomous body responsible for governing, maintaining, and developing the Minneapolis park system. The MPRB's mission is as follows:

> The MPRB shall permanently preserve, protect, maintain, improve, and enhance its natural resources, park land, and recreational opportunities for current and future generations.
>
> The MPRB exists to provide places and recreation opportunities for all people to gather, celebrate, contemplate, and engage in activities that promote health, well-being, community, and the environment.

The MPRB is also one of 10 regional park implementing agencies. It works with the Metropolitan Council to acquire and develop regional parks and trails to protect natural resources and provide outdoor recreation for public enjoyment in the Metropolitan Area. In 2011, based on Metropolitan Council annual use estimates, the regional parks and trails that are impacted by this alignment received over 6 million visits.

The MPRB is obligated to ensure that parks and trails and the interests of current and future park and trail users are not substantially impaired by the project. It is within this context that the MPRB makes the comments contained in this letter. There are several overarching messages the MPRB wishes to express regarding the Southwest Transitway:

- MPRB, in general, is supportive of light-rail transit.
- Current development and public use of the corridor within Minneapolis has an open and natural character that includes portions of the Minneapolis Chain of Lakes Regional Park, Grand Rounds National Scenic Byway, Kenilworth Regional Trail, and Cedar Lake Regional Trail. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. To retain the area's character the water table levels and quality, cultural landscapes, habitat, and open space must be protected and preserved.
- Several topics of keen interest to the MPRB, including noise, vibration, and visual impacts, are noted in the DEIS as requiring further analysis during preliminary engineering. To monitor and protect the parks, trails, and recreation areas of this project that are within its jurisdiction, the MPRB expects to have a central role in the design of Segment A.
- MPRB does not support the co-location alternative.

Thank you for this opportunity to comment on the DEIS for the LRT. If you have any questions, please do not hesitate to contact Jennifer Ringold, Manager of Public Engagement and Citywide Planning, at 612-230-6464 or jringold@minneapolisparks.org.

Sincerely,

John Erwin
President, Minneapolis Park and Recreation Board

Introduction

The Minneapolis Park and Recreation Board (MPRB), a semi-autonomous government agency, was established in 1883 by the Minnesota State Legislature. It owns, operates, or maintains park land within the cities of Minneapolis, Golden Valley, Richfield, Robbinsdale, Saint Louis Park, and Saint Anthony. The MPRB is also one of 10 regional park implementing agencies that works with the Metropolitan Council to acquire and develop parks and trails to protect natural resources and provide outdoor recreation for public enjoyment in the Metropolitan Area.

In 2013, the MPRB will celebrate 130 years of providing outstanding park and recreation services to residents and visitors of Minneapolis. In citywide surveys, residents often remark that the Minneapolis park system is essential to their quality of life and to the identity of the city. Founders of the system, such as H. W. S. Cleveland and Theodore Wirth, understood the role parks play in a healthy, livable, and balanced city. They made preserving land for future generations a priority. Their success shaped the character of Minneapolis and continues to improve people's lives.

Segment A of the Locally Preferred Alterative (LPA) of the Southwest Transitway (LRT) and its station areas include, cross, and are adjacent to neighborhood and regional parks and regional trails that are owned or maintained by the MPRB. These include the following (see map below):

- Minneapolis Chain of Lakes Regional Park
  - Cedar Lake Park
  - Cedar Lake
  - Kenilworth Channel
  - Lake of the Isles
  - Lake Calhoun
  - Cedar Lake Parkway and Trails (bicycle and pedestrian)
  - Dean Parkway and Trails
- Grand Rounds National Scenic Byway
- Kenilworth Regional Trail (bicycle and pedestrian)
- Cedar Lake Regional Trail (bicycle and pedestrian)
- Park Siding Park

With its extensive land holdings and maintenance responsibilities, the MPRB is obligated to identify the historical, cultural, visual, recreational, social, environmental, and safety issues and impacts related to Segment A of the LPA and ensure that these parks, trails, and the current and future interests of park and trail users are protected.

MPRB Community Advisory Committee

On 1 September 2010, the MPRB approved the following charge for the appointed Community Advisory Committee (CAC):

> Prepare recommendations to the Board on the contents of a formal Comment Letter in response to the Draft Environmental Impact Statement for the proposed Southwest Light Rail Transit Alternative 3A. The recommendations of the CAC shall focus on desired outcomes relative to historical, cultural, visual, recreational, social, environmental, and safety issues as they relate to lands owned or managed by the Minneapolis Park and Recreation Board.

Appointers and CAC members are below:

Appointing Person or Group	Appointee
Board President John Erwin	Scott Neiman, Chair
MPRB Commissioner Anita Tabb, District 4	Eric Sjoding
MPRB Commissioner Brad Bourn, District 6	Kendal Killian
MPRB Commissioner Annie Young, At-large	Caitlin Compton
MPRB Commissioner Bob Fine, At-large	Matt Perry
Bryn Mawr Neighborhood Association	Barry Schade
Cedar-Isles-Dean Neighborhood Association	John Erickson
Cedar Lake Park Association	Brian Willette
Kenwood Isles Area Association	Jeanette Colby
Lowry Hill Neighborhood Association	George Puzak
West Calhoun Neighborhood Council	Meg Forney
Harrison Neighborhood Association	Maren McDonell
Hennepin County Commissioner Dorfman	Tim Springer
Council Member Goodman – Ward 7	Neil Trembley
Council Member Tuthill – Ward 1	D'Ann Topoluk
Council Member Hodges – Ward 13	Ben Hecker
Council Member Samuels – Ward 5	Vicki Moore
Mayor of Minneapolis R.T. Rybak	Jerry Van Amerongen

Supported by MPRB staff lead Jennifer Ringold and consultant Anne Carroll (Carroll, Franck & Associates), the CAC began meeting in September 2010, suspended work for most of 2011 with the DEIS delays, and scheduled their 2012 meetings to coincide with the anticipated DEIS release. Working from comprehensive background information and their own knowledge and community connections, the CAC generated an increasingly detailed set of issues and preferred MPRB outcomes. Once the DEIS was released in October 2012, the CAC created a "crosswalk" connecting DEIS contents with their issues and outcomes, which was then converted to this Comment Letter. This final version of the Comment Letter was formally approved by the MPRB Board on *December 5, 2012.*

Comment Letter Structure

Beginning with the entire corridor, the content of this comment letter is organized by location from north to south as shown in the Table of Contents and on the map below.

The first section presents MPRB's adopted opposition to the co-location alternative. The remaining sections focus on the locations where the MPRB has an interest in the design and implementation of the LRT project, they include the following subsections:

- **Location and Description**: This describes the location and why it was selected by the MPRB for DEIS comments.
- **Issues**: The issue and why it is important at the particular location is described. For each issue, the MPRB then provides one or more of the following:
  - Outcomes: Critical *outcomes* that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.
  - Statements: MPRB's adopted positions on critical issues or processes that must be resolved, reconciled, reevaluated, or otherwise included in near-term design work and decision-making.
  - Corrections: Identified errors in the DEIS that must be corrected for the FEIS and subsequent work.

Images are courtesy of MPRB unless otherwise noted; specifically, most aerials and maps are from Google and current to 2012, and are cited.

Corridor and Comment Location Map

Co-Location Alternative

According to the Section 4(f) review of the co-location alternative in the DEIS, this alternative will result in permanent loss of park land and impairment to MPRB properties and uses.

Below is the statement that the MPRB has adopted regarding co-location.

Statement: The MPRB opposes the co-location alternative and supports the co-location findings presented in the DEIS regarding Section 4(f) and Section 106 impacts to lands owned or maintained by the MPRB. Based on a review of the documents, the permanent loss of park lands, impacts to regional trail functionality and capacity, and harm to the Grand Rounds Historic District (eligible for the National Register of Historic Places) cannot be mitigated within the corridor.

1 Entire Corridor

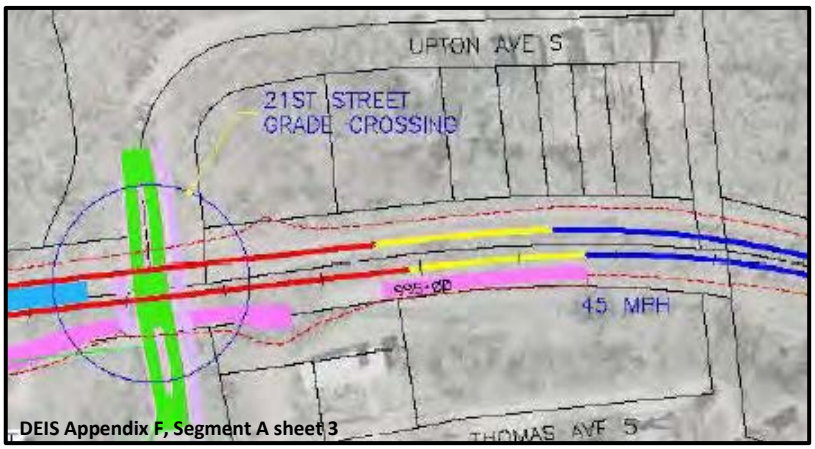
1.1 Location and Description

This section includes issues and outcomes that apply to all or most of the corridor. The sections that follow this focus on issues and outcomes that are specific to certain locations. See map above.

1.2 Issue: Section 4(f) analysis

A primary concern for the MPRB is protecting park land and recreational opportunities within and adjacent to the corridor for current and future generations. Chapter 7 of the DEIS contains the Section 4(f) evaluation of the project. It identifies potential permanent use, temporary use, and constructive use of park land for the project. For Segment A of the LPA it shows that 0.016 acres may be a potential temporary use and does not identify any potential permanent or constructive uses.

Permanent and Temporary use: Within an urban setting continuous park land and linear corridors are critical to habitat management and connectivity for park users. According to the Appendix F *LRT Alternative Segment Plan and Profile STA: 972+00 -1023+00* preliminary concepts for the area near 21st Street, additional park land may be needed to accommodate the westernmost LRT track. The analysis of park lands that are covered by Section 4(f) regulations in the DEIS does not account for this land.



DEIS Appendix F, Segment A sheet 3

Constructive use: The DEIS articulates (7.1) that "use" of a Section 4(f) resource occurs when, among other things, "There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (e.g., 'constructive use')." Based on this definition, the MPRB anticipates that park land and park users may experience long-term impacts of the LRT due to noise, vibration, visual impacts, and safety. Park lands that are eligible for the National Register of Historic Places are considered especially vulnerable to these impacts. Depending on final design, these impacts may be so severe that they would constitute a *constructive use* of protected properties under Section 4(f) regulations.

Below are the critical statements and outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.2.1 **Statement:** Park lands near 21st Street that are shown as being used for the LRT track in the conceptual designs must be reevaluated under Section 4(f) to identify all permanent and temporary uses.

1.2.2 **Statement:** As the design progresses, park lands must be evaluated under Section 4(f) to identify all permanent and temporary uses.

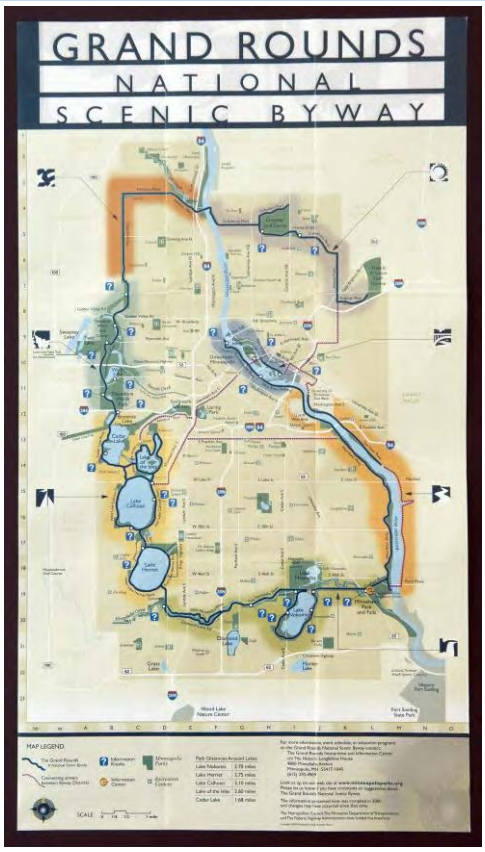
1.2.3 **Statement:** As the design progresses, park lands must be reevaluated under Section 4(f) to determine whether there are constructive uses of park land due to long-term noise, vibration, and visual impacts.

1.2.4 **Statement:** As the design progresses, park lands must be reevaluated under Section 4(f) to determine whether there are constructive uses of park land due to long-term impacts on parks that are considered eligible for the National Register of Historic Places.

1.2.5 **Outcome**: Park land along the corridor is preserved in the same or better condition.

1.2.6 **Outcome**: Park property is not used permanently as part of LRT development.

1.3 Issue: Design character



Aside from Park Siding Park, the park land the MPRB owns, manages, and maintains adjacent to the corridor is classified as a regional park. A regional park according to the Metropolitan Council's 2030 Regional Parks Policy Plan is "area of natural or ornamental quality for nature-oriented outdoor recreation such as picnicking, boating, fishing, swimming, camping, and trail uses." Park Siding is considered a neighborhood park by the MPRB which means it is a block or less in size and provides basic facilities within a neighborhood.

The MPRB recognizes that current development and public use of the corridor within Minneapolis from the St. Louis Park boundary to the Penn Station has an open and natural area character that includes portions of the Minneapolis Chain of Lakes Regional Park. Portions of this area are within the Grand Rounds Historic District that is eligible for the National Register of Historic Places and are included within an Important Bird Area as designated by the National Audubon Society. Park design in this area focuses on serenity, habitat restoration, minimal development, and passive recreation. Minimizing impacts to water table levels and quality, cultural landscapes, habitat and open space will be critical to retaining this area's character. LRT and station area design that is sensitive to these issues is essential to protect the activities, features, and attributes of the park land in this corridor.

The DEIS makes several references to this issue, including the following:

- 4.1.3.6 Groundwater Sensitivity, page 4-19: Several areas in the study area lie within zones of very high sensitivity to pollution of the water table system…Portions of the land between Cedar Lake and Lake of the Isles….
- 4.1.4.2 Groundwater, page 4-21: The Build Alternatives may have long-term impacts on groundwater if a permanent water removal system (dewatering) is required. Permanent water removal is anticipated where the cut extends below the water table. There is a probable need for permanent water removal at one cut on both Segment 1 and Segment 3, and possible needs on Segment A and at a second cut along Segment 3, because of shallow groundwater. Evaluations and associated impacts of permanent water removal at the major excavations are summarized in Appendix H.
- 4.3.3.1 Riparian Habitat Areas, page 4-50: The LRT 3A (LPA) passes over several riparian areas that are associated with Purgatory Creek, South Fork Nine Mile Creek, Nine Mile Creek, Minnehaha Creek and the unnamed channel [Kenilworth Channel] between Lake of the Isles and Cedar Lake. The alternative would impact native wetland or riparian habitats, which are typified by non-native woody wetland habitat, non-native emergent wetland habitat or open water habitat (MLCCS 2008). The development of linear ROW along portions of this alignment has fragmented many wetland habitats on both sides of these features. Development of this alternative would likely increase the fragmented nature of wetland and riparian habitats.
- 3.1.2.4, Land Use and Socioeconomics, page 3-16: …. Northwest of Lake Calhoun and between Cedar Lake and Lake of the Isles the city has established the Shoreland Overlay District that specifies development guidelines within a half-mile radius around each of these lakes. Although the ordinance does not prohibit

transportation uses or facilities, it does specify guidelines for controlling both point source and non-point source pollutant discharge within the Shoreland Overlay District.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.3.1 **Statement**: MPRB insists that stormwater impacts to Minneapolis water bodies result in no increased volume of runoff and no increased pollutant loads.

1.3.2 **Outcome**: Minneapolis Chain of Lakes Regional Park and adjoining park land remains a quiet, tranquil, and natural park destination.

1.3.3 **Outcome**: The area between Lake Street and I-394 is naturally beautiful and serene.

1.3.4 **Outcome**: Natural wildlife habitat and serenity of the trail and park land are maintained.

1.3.5 **Outcome**: Any permanent dewatering methodologies applied to the corridor protect water table levels and quality, and habitat within the park lands that is dependent on those water levels.

1.3.6 **Outcome**: Permeable paving materials are incorporated to reduce stormwater impacts to park land when hard surfaces are added by the project.

1.3.7 **Outcome:** The Chapter 551, Article VI Shoreland Overlay District of the City of Minneapolis' Code of Ordinances is followed to preserve and enhance the environmental qualities of surface waters and the natural and economic values of shoreland areas within the city.

1.4 Issue: Trail access, use, and maintenance

The MPRB owns or maintains trails that are within or cross the LPA Segment A corridor. The MPRB is concerned that the LRT frequency and speed will impact these trails and users by reducing access to the trail from local neighborhoods and park lands, inhibiting flow and speed, adding time delays, introducing use/user conflicts and safety problems, and making the trails more difficult to maintain year-round. The MPRB is concerned that the full cost of reconstructing and resurfacing these federally funded trails will not be included in the project budget.

The DEIS makes several references to the importance of retaining the trails. It also mentions the anticipated increased use that will result from population increases and transit development. The references include:

- 10.5.3.1 Improved Multimodal Environment, page 10-18: Transitway project will improve the existing pedestrian and bicycle infrastructure along the alignment, and improve the safety of pedestrians and bicyclists through implemented design guidelines. All pedestrian facilities will be designed in accordance with current design standards and Americans with Disabilities Act (ADA) requirements to ensure access and mobility for all.
- 9.6.6.3 Anticipated cumulative impacts, page 9-23: The urban and suburban areas along the Southwest Transitway, as in the entire Twin Cities area, are expected to continue to develop and become denser. The Southwest Transitway's proposed stations in combination with RFFAs- especially residential projects – will

be part of this trend. Because fully developed urban areas typically have little opportunity for the creation of new parks and recreation areas, the existing parks are likely to become more crowded and intensely used.

- Appendix F, Legend for Plan, page 5: The grading for the trails shown will be included in the project cost, however the surfacing for the trails will not be included with the project costs. Trail surfacing must be performed at the expense of others.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.4.1 **Statement:** As the implementing agency of regional parks and trails in the City of Minneapolis, the MPRB insists that the full cost of reconstructing and resurfacing trails that are impacted by the project is borne by the project budget.

1.4.2 **Statement:** The project should further examine the advantages and disadvantages of the trail being aligned on the west or east side of the LRT. The route analysis should consider the number of times the trail must cross the LRT, changes in trail length, trail connections, trail access points, and park land access.

1.4.3 **Outcome**: There is adequate access to the Kenilworth Regional Trail from both sides of the LRT tracks, and access points are a reasonable walking distance apart.

1.4.4 **Outcome:** The trail alignment minimizes the number of times that the trail crosses the LRT, optimizes trail connections, maintains similar travel distances, provides sufficient access points, and ensures access to park lands.

1.4.5 **Outcome**: Bike and pedestrian trails remain with the same or better design quality and width as current trails; these include those that run along and across the corridor, as well as access trails.

1.4.6 **Outcome**: The trail design meets the needs of current and projected users.

1.4.7 **Outcome:** The trail is designed for a 20 mph design speed (including straight-line ascents and descents at bridges).

1.4.8 **Outcome**: Bicycle and walking trail users have a positive, linear park-like experience, including being free of obstructions, having a 2-foot or greater buffer on each side of all trails, and retaining a sense of connection to open space.

1.4.9 **Outcome**: All trail connections are maintained or improved.

1.4.10 **Outcome**: At all points along the corridor, and especially at the narrowest locations, sufficient space remains for trails, trail users, and year-round maintenance vehicles and crews.

1.5 Issue: Noise and Vibration

The MPRB is concerned about the LRT noise and vibration impacts on park lands and park and trail users due to the high number of trains that will travel through the corridor daily. An increase from a few freight trains per day to hundreds of LRT trains will dramatically increase the amount of time that park and trail users are exposed to noise and vibration. This could substantially diminish the park and recreation experience for park and trail users.

For noise, the MPRB is particularly concerned that park lands in the corridor are erroneously classified as a Category 3 land use. In FTA's land use categories for Transit Noise Impact Criteria, Category 3 is most commonly associated with institutional land uses and can be used for some types of parks. By contrast, Category 1 is for tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use. Category 1 is more closely aligned with the regional park classification that applies to the majority of park land in the area.

The DEIS makes several references to this issue, including the following:

- 4.7.3.5 Assessment, page 4-92: There is one moderate impact to a Category 3 land use. The impact is due to very low ambient background noise levels found in the walking trails of the Cedar Lake portion of the Minneapolis Chain of Lakes Regional Park combined with close proximity to the tracks and bell use at grade crossings and crosswalks. This may not apply to the entire Cedar Lake portion of the park, especially in areas where park-goers themselves create higher noise levels, and area of the park farther from the tracks.
- 4.8.6 Mitigation, page 4-118: Detailed vibration analyses will be conducted during the Final EIS in coordination with Preliminary Engineering. The Detailed Vibration Assessment may include performing vibration propagation measurements. These detailed assessments during the Final EIS/preliminary engineering phase have more potential to reduce project-related effects than assessments of mitigation options at the conceptual engineering phase of the project. Potential mitigation measures may include maintenance, planning and design of special trackwork, vehicle specifications, and special track support systems such as resilient fasteners, ballast mats, resiliently supported ties, and floating slabs.

Below are the critical statements and outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.5.1 **Statement**: Category 1 is most consistent with the type of parks and open space the MPRB owns or maintains adjacent to or within the corridor. Noise impacts on park lands and users must be reevaluated under the standards set for Category 1 land uses.

1.5.2 **Outcome**: The vibration impacts are minimized for park and trail users.

1.5.3 **Outcome**: The noise impacts are minimized for users of parks and trail and park users and do not exceed the noise standards set for Category 1 in adjacent park land and along the trail.

1.5.4 **Outcome**: Technologies are incorporated that reduce track noise and vibration.

1.5.5 **Correction**: In 4.7.3.5 page 4-92, it appears that Segment 4 is referenced instead of Segment A.

1.6 Issue: Visual appeal

The MPRB is concerned about the impacts on park land and users of the parks and trails by visual impacts of the LRT. These concerns include the impacts on view sheds within and outside of the parks, especially those that are part of the Grand Rounds Historic District, which is eligible for listing on the National Register of Historic Places.

The DEIS makes several references to this issue, including the following:

- 3.6.3.3 Visual impacts, page 3-115: The proposed alignment is on a bridge over Cedar Lake Parkway. Visual impacts on sensitive receptors adjacent to the corridor in the multi-family residential parcel and Cedar Lake Parkway could be substantial.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.6.1 **Outcome**: The visual impact of the LRT and related infrastructure is minimized for trail and park users and honors the historic character of the Grand Rounds when it crosses Cedar Lake Parkway and the Kenilworth Channel.

1.6.2 **Outcome**: The train lights have minimal visual impacts on trail users.

1.7 Issue: Safety

Safety of park and trail users is a critical objective for the MPRB. This includes using design to reduce risks from user conflicts or unexpected hazards and ensuring adequate access to park facilities when the LRT is in operation. Delays in fire, police, and emergency medical response to park facilities, especially beaches, may result from the high number and frequency of trains that are projected to travel through the corridor.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.7.1 **Outcome**: Adequate fire safety infrastructure exists within or proximate to the corridor such that fire suppression and response times meet relevant laws and standards.

1.7.2 **Outcome**: Fire, police, and emergency medical personnel and equipment are able to access park lands adjacent to the corridor and provide response times that meet relevant laws and standards.

1.7.3 **Correction**: The Minneapolis Park Police should be included in the references to police agencies related to the corridor.

Timely public safety access is essential

1.8 Issue: Construction

The MPRB recognizes that Minneapolis has become one of the top bicycling communities in the country. As such, trail users rely on high quality trail facilities year round for recreation and commuting. A detour that requires significant rerouting of trail users or an extended closure of a trail will be a barrier to trail users on the western side of Minneapolis and the metro area.

Construction can result in extensive damage to vegetation and trees through removals and introduction of invasive species. The former results in a diminished quality of the park and recreation experience for trail and park users, the later results in long-term habitat management issues for MPRB staff. Additionally, construction can result in the altering the ground and surface water levels and quality if Best Management Practices (BMPs) are not implemented.

The DEIS makes several references to this issue, including the following:

- 6.3.3.1 page 6-60: Short-term construction effects to bicyclists and pedestrians are also anticipated in all Build Alternatives. In Segments 1, 4, A, and C, some disruptions to the existing regional trails are anticipated during construction. The extent to which the trails would be available for use throughout the process of relocation will be determined during Preliminary Engineering. Disruptions to the existing sidewalk network are anticipated in all Build Alternatives.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

1.8.1 **Outcome**: Surface and groundwater quality is protected during construction.

1.8.2 **Outcome**: Reasonable and safe alternative routes are provided for trail users when sections are closed

during construction.

1.8.3 **Outcome**: Any flora that is lost to construction or LRT use is replaced with flora that is in accordance with MPRB plans, with monitoring through a plant survey and replacement for five (5) years after construction is complete.

1.8.4 **Outcome**: Soils and slopes are stabilized during construction.

1.8.5 **Outcome**: Construction dewatering protects water table levels and habitat within park lands that is dependent on those water levels.

1.8.6 **Outcome**: Construction practices prevent introduction of new invasive species to park lands and waters.

MPRB Prairie Maintenance near Cedar Lake Park

2 Linden Avenue

2.1 Location and Description

Linden Avenue serves as an informal trail access point, as it is used primarily by city maintenance vehicles to access the asphalt and concrete recycling facility. Trail users at this access point regularly deal with high vehicular traffic with the nearby entrance to I-394. At this location, the LRT line and trail separate from MPRB-owned land.

2.2 Issue: Access, flow

The MPRB is concerned that all future work in this area be based on a comprehensive design and coordinated approach. This location requires formal and safe trail access, and cyclists need continuous flow and speed on the federally funded Cedar Lake Regional Trail.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

2.2.1 **Outcome**: Trail users easily and safely access the Cedar Lake Regional Trail.

2.2.2 **Outcome**: Bicyclists in this area maintain continuous flow and speed.

2.2.3 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

2.2.4 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

From Linden Avenue junction, looking southwest along Cedar Lake Regional Trail

From Linden Avenue junction, looking northeast along Cedar Lake Regional Trail

3 Luce Line Regional Trail Junction

3.1 Location and Description

At this location the Luce Line Regional Trail intersects with the Cedar Lake Regional Trail, currently via a bridge over the industrial area and freight rail line, and spiral ramps at each end.

This is a critical connection in the regional trail system, and also provides access to Bryn Mawr Meadows Park.

3.2 Issue: Access, flow

The MPRB is concerned that all future work in this area be based on a comprehensive design and coordinated approach so that trail and park access be maintained, as well as flow and speed on the regional trails.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

3.2.1 **Outcome**: Trail users easily and safely make connections between Bryn Mawr Meadows Park, the Luce Line Regional Trail, and the Cedar Lake Regional Trail.

3.2.2 **Outcome**: Bicyclists in this area maintain continuous flow and speed.

3.2.3 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

3.2.4 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

Luce Line Regional Trail crossing to connect with the Cedar Lake Regional Trail

4 Spring Lake Trail Junction

4.1 Location and Description

At this location Cedar Lake Regional Trail users pass under I-394 and easily connect to the nearby parks and trails including Spring Lake, Kenwood Parkway, and Parade Stadium, and travel beyond to the Minneapolis Sculpture Garden, Loring Park, and the Grand Rounds National Scenic Byway.

4.2 Issue: Access, flow, and connectivity

As a critical access point to MPRB park lands and the Grand Rounds, the MPRB is concerned that safe and easy access and connectivity is retained. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

4.2.1 **Outcome**: Cedar Lake Regional Trail users easily and safely connect to Spring Lake Park, Grand Rounds, other parks, parkways, and Van White Boulevard.

4.2.2 **Outcome**: Bicyclists in this area maintain continuous flow and speed.

4.2.3 **Outcome**: The design prioritizes connectivity to neighborhoods and natural amenities.

From junction, looking southeast toward Spring Lake

4.3 Safety

In this small space under I-394, the MPRB is concerned about public safety and emergency vehicle access. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

4.3.1 **Outcome**: Fire, police, and emergency medical personnel and equipment can access the trail and Spring Lake and provide response times that meet relevant laws and standards.

4.4 Issue: Comprehensive approach

As with many locations along the LRT, this area will likely be subject to future development. The MPRB is concerned about protecting the integrity and natural features of Spring Lake and full functionality of the Cedar Lake Regional Trail. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

4.4.1 **Outcome:** Spring Lake and the area's natural features are preserved and protected.

4.4.2 **Outcome:** The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

4.4.3 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

5 Bryn Mawr Meadows Park

5.1 Location and Description

Bryn Mawr Meadows Park is an active neighborhood park with citywide appeal. Amenities include ball fields, tot-lots, wading pools, and tennis courts. The park is adjacent to the Cedar Lake Regional Trail and LRT line. Currently parks users are connected to the Cedar Lake Regional Trail via a bridge over the industrial area and freight rail line, and spiral ramps at each end.

5.2 Issue: Access and safety

The MPRB is concerned about ensuring that people from throughout the community can access both this heavily used park *and* the Cedar Lake Regional Trail from this area, and that the trail remains fully functional.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

5.2.1 **Outcome**: Communities on both sides of the LRT safely and easily access the Cedar Lake Regional Trail and Bryn Mawr Meadows Park.

5.3 Issue: Visual appeal

The MPRB is concerned that this large and active park retain its open and natural feel. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

5.3.1 **Outcome**: The LRT blends in visually with the natural setting of the area.

5.4 Issue: Comprehensive approach

The MPRB is concerned that all future work in this area be based on a comprehensive design and coordinated approach.

5.4.1 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

5.4.2 **Outcome:** Trail development is coordinated with rail, residential and commercial development in the area.

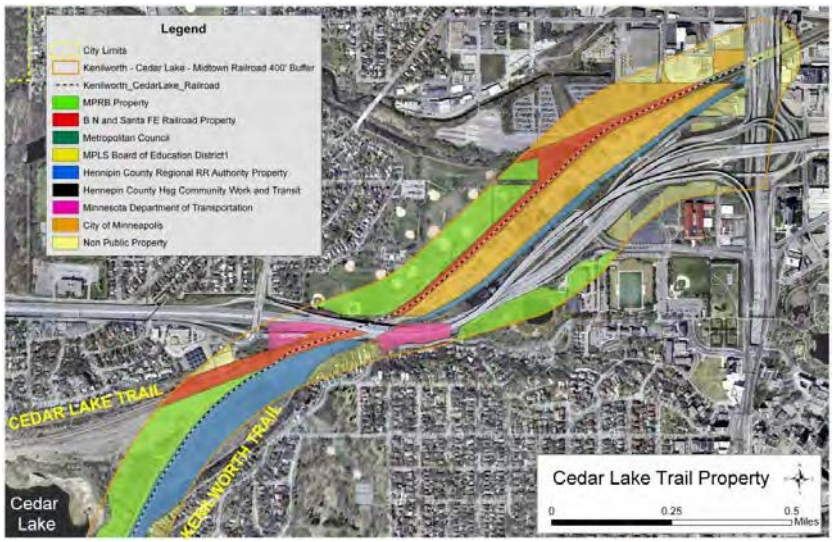
Bryn Mawr Park, looking south from Morgan Avenue

6 Cedar Lake Regional Trail and LRT Crossing Area

6.1 Location and Description

The federally funded Cedar Lake Regional Trail carries commuter and recreational bicyclists and pedestrians between downtown Minneapolis and the western suburbs.

At this location the trail junctions with the Kenilworth Regional Trail and the LRT follows the Kenilworth alignment south. In this area the bike trails are separated into north- and south-bound, and there is a separate pedestrian trail. The land in this area is owned by the County and the MPRB. Per agreement, all of the trails are maintained by the MPRB.



Into this already complex area the LRT brings dramatically increased challenges (6.3.2.4).

6.2 Issue: Safety, use, access, connectivity

In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Cedar Lake Regional Trail had 381,400 visits. The MPRB is very concerned about retaining safe and high-quality use and access to these regional trails in this area for all users and from designated access points.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

6.2.1 **Outcome**: Walkers, runners, bicyclists, and other nonmotorized trail users safely and efficiently get from one side of the LRT tracks to the other, year-round and without interruption.

6.2.2 **Outcome**: The federally funded, nonmotorized Cedar Lake Regional Trail is fully functional, with uninterrupted flow and speed.

6.2.3 **Outcome**: All users have adequate access to the trails.

6.2.4 **Outcome**: All trail connections are safe and easy to navigate, and space is allowed for future expansion to meet demand.

6.2.5 **Outcome**: The Cedar Lake Regional Trail meets commuter bicycle standards of 20 mph design speed.

6.2.6 **Outcome**: Communities north of the LRT easily access the Cedar Lake Regional Trail, Cedar Lake, and Cedar Lake Park.

At junction of Kenilworth Regional Trail (center left) and Cedar Lake Regional Trail (top left and bottom right)

At junction, looking west along divided Kenilworth Regional Trail

6.3 Issue: Environmental protection

The MPRB park lands in this area bring significant benefits to park and trail users, support native plant species, and are serve as important wildlife habitat.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

6.3.1 **Outcome**: Park lands retain their natural character.

6.3.2 **Outcome**: Wildlife habitat supports local and migratory fauna.

Cedar Lake Park and Cedar Lake Regional Trail - Prairie

7 Intersection with West 21st Street

7.1 Location and Description

The intersection of the Kenilworth Regional Trail and 21st Street is a proposed station location. The station would sit on Hennepin County property, however the west side of the rail line is MPRB property, Cedar Lake Park.

At 21st Street, Cedar Lake has a very popular beach and provides access to a trail network as well as informal foot paths.

7.2 Issue: Park access

At intersection, look west into Cedar Lake Park

This location is the sole access point for Cedar Lake Park and beach. Visitors arrive at this pristine area on foot, by bicycle, and using motorized vehicles, and via 21st Street, the Kenilworth Regional Trail, and in the future the LRT. Given that "Implementation of LRT service and stations along the Segment A alignment would likely result in some land use changes surrounding the stations…" (3.1.5.1), the natural character of this area and clear access must be ensured.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

7.2.1 **Outcome**: Access to Cedar Lake Park at West 21st Street is attractive, natural, and welcoming.

7.2.2 **Outcome**: People on the east side of the corridor safely and easily access park lands on the west side.

7.3 Issue: Safety

With thousands of park and park land users and multiple modes of transport across and along the corridor at this point, safety is of utmost importance. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

7.3.1 **Outcome**: All Cedar Lake Park users have safe and pleasant access to and from the park, regardless of mode of transport.

7.3.2 **Outcome**: Station design *enhances* safety and access for Cedar Lake Park users.

7.4 Issue: Aesthetics, noise

The MPRB is concerned that the anticipated 1,000+ daily LRT boardings (Appendix F, Transit Effects, Figure 2) at

this location would seriously compromise the quality of experience for users of this secluded park area.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

7.4.1 **Outcome**: Cedar Lake Park remains a quiet, tranquil, and natural park destination.

7.4.2 **Outcome**: The area between Burnham Boulevard and 21st Street is naturally beautiful and serene.

Looking SW from 21st Street

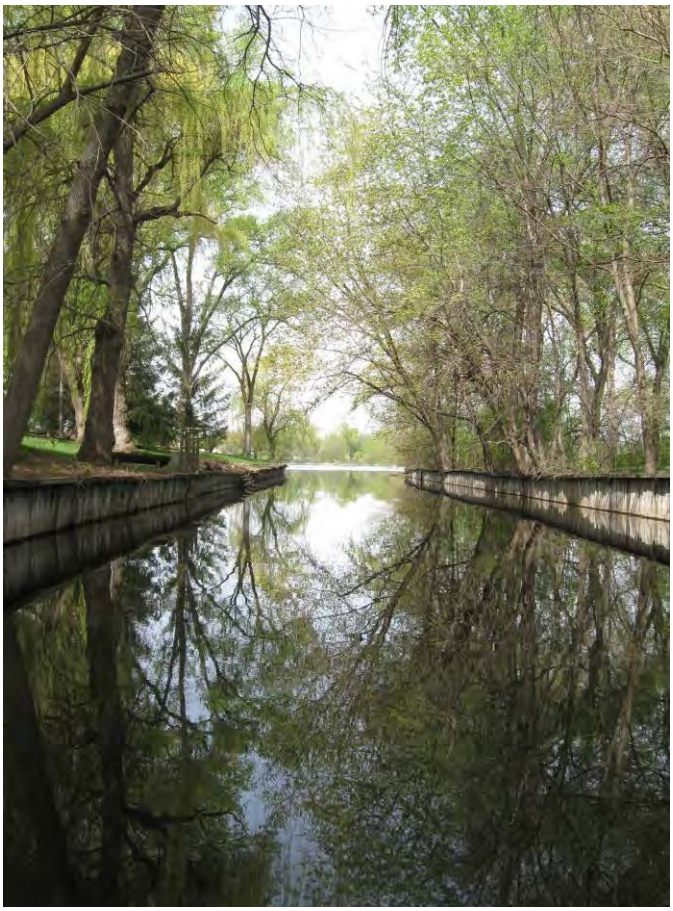
8 Kenilworth Channel, Bridge

8.1 Location and Description

The proposed alignment of the LRT crosses the Kenilworth Channel, a body of water constructed in 1913 to connect Cedar Lake and Lake of the Isles to form the Minneapolis Chain of Lakes. The Channel has year-round recreational use, from boaters in the summer to skiers and skaters in the winter.

The Channel also provides access for wildlife. The bridge over the Channel for the existing freight tracks and trails is narrow and relatively low to the water.

8.2 Issue: Historic character, aesthetics, tranquility



Kenilworth Channel

The MPRB is concerned about preserving the historic character of the 1913 Kenilworth Channel in its critical role within the Minneapolis Chain of Lakes Regional Park. The channel is part of the Grand Rounds Historic District that is eligible for the National Register of Historic Places.

According to the DEIS (3.6.3.3) …the bridge design, bank treatment, and aesthetics for the new facility and the potential replacement or modification of the existing pedestrian bridge would have a substantial effect on this historic landscape… In addition, (3.4.5.3) …Potential long-term effects may occur at the following properties: Kenilworth Lagoon/Channel, Grand Rounds (potential effects of the construction of new bridge structures within the historic district; the design and footprint of these structures may affect the banks of the historic channel and may affect the district's overall feeling and setting).

While the DEIS notes that these issues will be addressed during preliminary engineering, the MPRB is concerned that they receive the most serious attention very early in the process. Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

8.2.1 **Outcome**: Support and safety structures are harmonious, beautiful, and both historically and context sensitive.

8.2.2 **Outcome**: The Kenilworth Channel retains its natural beauty and serenity and historic character.

8.3 Issue: Connectivity and recreational use

The Kenilworth Channel was central to creating the Minneapolis Chain of Lakes and provides a critical connection between Cedar Lake and Lake of the Isles. Trail access is necessary for people as is year-round channel access for both people and wildlife. It is also a critical link in the City of Lakes Loppet (winter ski race) and City of Lake Tri-Loppet.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

8.3.1 **Outcome**: Users have access to the Kenilworth Regional Trail, Cedar Lake, and Lake of the Isles from both sides of the LRT/Kenilworth Regional Trail.

8.3.2 **Outcome**: People and wildlife on both sides of the LRT/Kenilworth Regional Trail have access to and along the undeveloped channel shoreline.

8.3.3 **Outcome**: Users have unfettered, year-round passage along the channel (in the water/on the ice) between Lake of the Isles and Cedar Lake.

8.3.4 **Outcome**: The historic water connection between Cedar Lake and Lake of the Isles remains a defining characteristic of the Minneapolis Chain of Lakes Regional Park.

From Kenilworth Regional Trail looking along Kenilworth Channel – City of Lakes Tri - Loppet

8.4 Issue: Safety

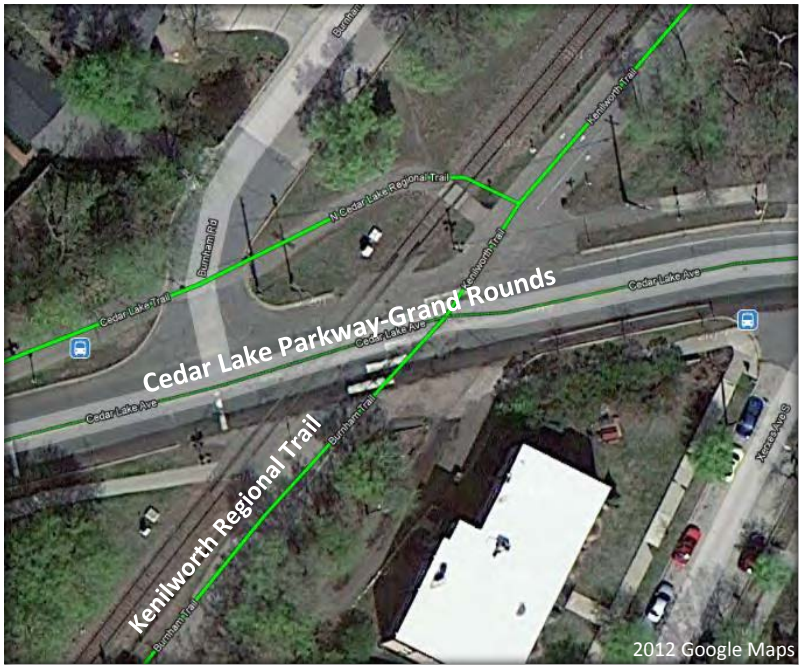
From Kenilworth Regional Trail looking along Kenilworth Channel – City of Lakes Loppet

The MPRB is concerned about protecting the safety of land and water users of the Kenilworth Channel and shoreland.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

8.4.1 **Outcome**: Year-round channel users are safe from falling debris and ice.

9 Cedar Lake Parkway-Grand Rounds



Cedar Lake Section of Grand Rounds

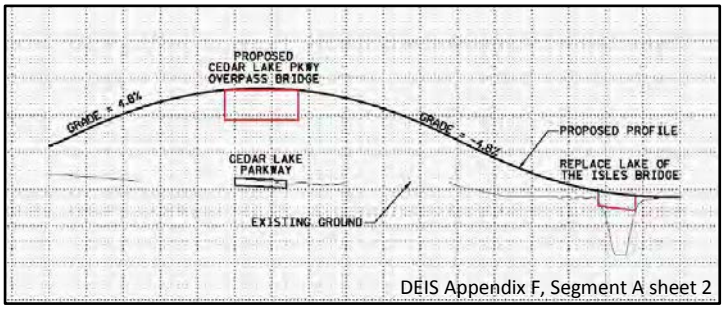
9.1 Location and Description

At this location the LRT intersects with actively used Cedar Lake Parkway, which is an essential section of the Grand Rounds National Scenic Byway (see Grand Rounds map) and within the Minneapolis Chain of Lakes Regional Park (Cedar Lake Beach, Parkway, and Trail). Directly to the west of this location is Cedar Lake South Beach.

The MPRB is concerned about LRT impacts on the Kenilworth Regional Trail and Chain of Lakes Regional Park users and properties that contribute to the Grand Rounds Historic District. In 2011, according to the Metropolitan Council's annual visit estimates, Kenilworth Regional Trail had approximately 624,400 visits and the Chain of Lakes Regional Park had 5,122,900 visits (Chain of Lakes estimate does ***not*** include motorized or nonmotorized traffic counts on the parkway). Cedar Lake Parkway, as part of the Grand Rounds Historic District, is considered eligible for the National Register of Historic Places (7.4.1.4 page 7-20).

9.2 Issues: Integrity, flow, and access

The MPRB is concerned that adding LRT into this intersection could result in frequent delays of parkway and trail users along or parallel to Cedar Lake Parkway, and create visual obstructions. The MPRB finds that both of these impacts would significantly diminish the quality of experience for parkway, park, and trail users. Further, such impacts are inconsistent with one of the basic design characteristics of the Grand Rounds: a continuous recreational driving experience.



The MPRB is also concerned that the proposal to elevate the LRT above the parkway at this intersection (see image above) will increase noise and create visual impacts that will significantly diminish the quality of experience for parkway, park, and trail users of a property that is eligible for the National Register of Historic Places.

The anticipated frequency of trains along the corridor will also increase potential conflicts between the trains and users of the trail parallel to Cedar Lake Parkway, thus raising serious safety concerns.

The DEIS makes several references to this issue, including the following:

- 7.4.1.4 Section 4(f) Properties Potentially Used by the Project, page 7-20: Cedar Lake Parkway and the Cedar Lake-Lake of the Isles Channel have been determined eligible for inclusion on the NRHP as part of the Grand Rounds Historic District.
- 3.4.5.3 Cultural Resources, page 3-79: Potential long-term effects may occur at the following properties: Cedar Lake Parkway, Grand Rounds (potential effects of the changes to the intersection of the LRT corridor with the historic parkway, including the LRT overpass bridge, and, under the co-location alternative, the effects of widening the trail/rail corridor; these changes may affect the parkway itself and may alter its setting.)

Below are the critical statements and/or outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

9.2.1 **Statement**: The MPRB conducted a preliminary feasibility study of a grade-separated crossing at this intersection, which revealed that lowering the tracks and trail, and bridging portions of the parkway would allow the train and trail to travel beneath the parkway (see Appendix A for illustrations). The MPRB recommends further exploration of this type of integrated solution that significantly reduces safety hazards, noise impacts, visual impacts, and delays for motorized and nonmotorized vehicles.

9.2.2 **Outcome**: The Grand Rounds (eligible for National Register of Historic Places) fully retains its integrity and intention.

9.2.3 **Outcome**: Motorized and nonmotorized vehicles and pedestrians along the trail parallel to Cedar Lake Parkway experience continuous and safe flow.

9.2.4 **Outcome**: Trail users have direct access to the trails and trail connections that are currently provided at this location.

9.2.5 **Outcome**: Recreational and commuter trail traffic on both the Kenilworth Regional Trail and the trail parallel to Cedar Lake Parkway follows substantially the same route as at present.

On Cedar Lake Parkway-Grand Rounds; at junction looking SW along Kenilworth Regional Trail; Cedar Lake and beach at right

9.2.6 **Outcome**: The view of and from Cedar Lake and surrounding parkland is preserved.

9.2.7 **Outcome**: The parkland around Cedar Lake remains a natural visual buffer between Cedar Lake and the LRT corridor.

9.3 Issue: Safety

Safety of park and trail users is a critical objective for the MPRB. This includes using design to reduce risks from user conflicts or unexpected hazards, and ensuring adequate access to park facilities when the LRT is in operation.

Delays in fire, police, and emergency medical response to park facilities, especially beaches, may result from the high number and frequency of trains that are projected to travel through the corridor. Due to the proximity of South Cedar Lake Beach, timely emergency medical access across this intersection is critical.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

9.3.1 **Outcome**: Fire, police, and emergency medical personnel and equipment can access South Cedar Lake beach and provide response times that meet relevant laws and standards.

9.4 Issue: Noise and air quality

The MPRB is concerned about the noise and air quality impacts of LRT at this intersection due to the high frequency of trains that will cross here. For an at-grade crossing, high levels of track, bell, and whistle noise would significantly diminish the quality of experience in adjacent parkland and along the trails. Noise generated by a flyover condition is also a concern. Frequent traffic delays for train crossings are expected to diminish air quality for park and trail users.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

9.4.1 **Outcome**: LRT and crossing-related noise does not diminish the enjoyment and use of the trails, adjacent park land, and Grand Rounds National Historic Byway.

9.4.2 **Outcome**: Air quality at this location meets state and federal standards.

At junction, looking NE along Kenilworth Regional Trail

From Kenilworth Regional Trail looking toward Cedar Lake, Grand Rounds

10 Park Siding Park

10.1 Location and Description

The MPRB owns Park Siding Park, a small neighborhood park, which is immediately adjacent to the LRT corridor and an access point to the Kenilworth Regional Trail. With play equipment as well as formal gardens, it is actively used by children and adults from neighborhoods on both sides of the corridor.

10.2 Issue: Access and safety

Although the DEIS commits to improving the pedestrian and bicycle infrastructure along the alignment and improving the safety of pedestrians and bicyclists through implemented design guidelines (10.5.3.1), the MPRB has particular access and safety concerns at this location. Park visitors, including small children, come from both sides of the corridor as well as from the Kenilworth Regional Trail. This is also a popular bicycle and pedestrian trail ingress and egress point.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

10.2.1 **Outcome**: All users have formal and safe access to the park from both sides of the LRT.

10.2.2 **Outcome**: As an important trail access point, the trail design accommodates a safe ingress and egress.

10.2.3 **Outcome**: Trail users have safe access to and from the park.

10.3 Issue: Visual appeal

This small neighborhood park provides play equipment for children and formal gardens for adults. The heavily planted berm between Dean Court and the Kenilworth Regional Trail currently provides a visual screen, but the MPRB is concerned with ensuring that during and after construction there is a strong visual barrier that remains compatible with this important neighborhood park.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

10.3.1 **Outcome**: The LRT's visual impact does not disrupt park visitors' enjoyment, nor detract from the park's character.

10.4 Issue: Noise

The MPRB is deeply concerned about the impact of LRT noise on Park Siding visitors, especially the very young children who frequent this neighborhood park.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

10.4.1 **Outcome**: Park users, especially young children, are not subject to LRT noise levels that exceed the noise standards set for Category 1 land uses.

Park, looking SE from Kenilworth Regional Trail access

Kenilworth Regional Trail access, looking toward corridor

A heavily landscaped berm between Dean Court and the corridor provides a safety and visual barrier for Park Siding users

11 Trail Access at Abbott Avenue S (by new West Lake Station)

11.1 Location and Description

This is an actively used trail access to the to the Kenilworth Regional Trail and Midtown Greenway and is the closest access point to the Chain of Lake Regional Park. West Calhoun Neighborhood Association contributed park-like features to this location including a kiosk, picnic table, bike racks, decorative fencing, and a drinking fountain.

11.2 Issue: Park and trail access

The MPRB is committed to preserving this important trail access, ensuring safe and convenient wayfinding between the trail and nearby Lake Calhoun, and advocating for sufficient bicycle parking for all visitors to the area. The access was originally designed with input from Hennepin County to accommodate future LRT.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

11.2.1 **Outcome:** West Lake station users and all other users have safe and convenient access to and from Lake Calhoun and the Kenilworth Regional Trail.

11.2.2 **Outcome**: Wayfinding is provided between the West Lake station and Lake Calhoun and the trails.

11.2.3 **Outcome**: Safe and adequate bike parking is provided for recreational and commuter users of the trail and for Lake Calhoun visitors.

12 Northwest Corner of Lake Calhoun Area

12.1 Location and Description

This location within the Minneapolis Chain of Lakes Regional Park is the closest major park land to the proposed West Lake station. It is a primary visitor portal to the Grand Rounds National Scenic Byway. The Calhoun Executive Center parking lot next to Lake Calhoun sits on land that is partially owned by the Minneapolis Park and Recreation Board as part of the Minneapolis Chain of Lakes Regional Park. On weekends and weekday evenings, visitors use this area for parking and to access the regional park and the Grand Rounds.

12.2 Issue: Park and trail access

Millions of annual park visits to this area originate by foot, bicycle, motorized vehicle, and in the future the LRT.

Traffic patterns altered by the addition of a West Lake station will have a direct impact on the park visitor experience and all modes of traffic on Lake Calhoun Parkway and Dean Parkway. The MPRB is concerned that the introduction of the high-volume West Lake station increases the complexity of this area and is committed to ensuring that all visitors have a positive, easy, and safe experience accessing and using the park lands and trails in this area.

Below are the critical outcomes that the MPRB has adopted and must be addressed in the FEIS and preliminary engineering.

12.2.1 **Statement:** Multimodal traffic patterns in a roughly 1/2-mile radius of the West Lake station must be studied in partnership with the street/trail property owners (Hennepin County, City of Minneapolis, MPRB). Deliverables of the study should include traffic volume and flow projections, and recommendations for 1) long-term street/trail network modifications and 2) short-term network modifications to be implemented with station development.

12.2.2 **Outcome**: LRT and West Lake station area design decisions for this area are based on design recommendations from a comprehensive and multimodal (bicycle, pedestrian, transit, vehicle) circulation analysis that addresses impacts to the Grand Rounds parkways and trails.

12.2.3 **Outcome**: The design of this area makes clear that it is a "gateway" to the Minneapolis park system.

12.2.4 **Outcome**: A safe, free-flowing pedestrian and bicycle route with exceptional wayfinding exists between the LRT station area and Lake Calhoun and adjacent park land.

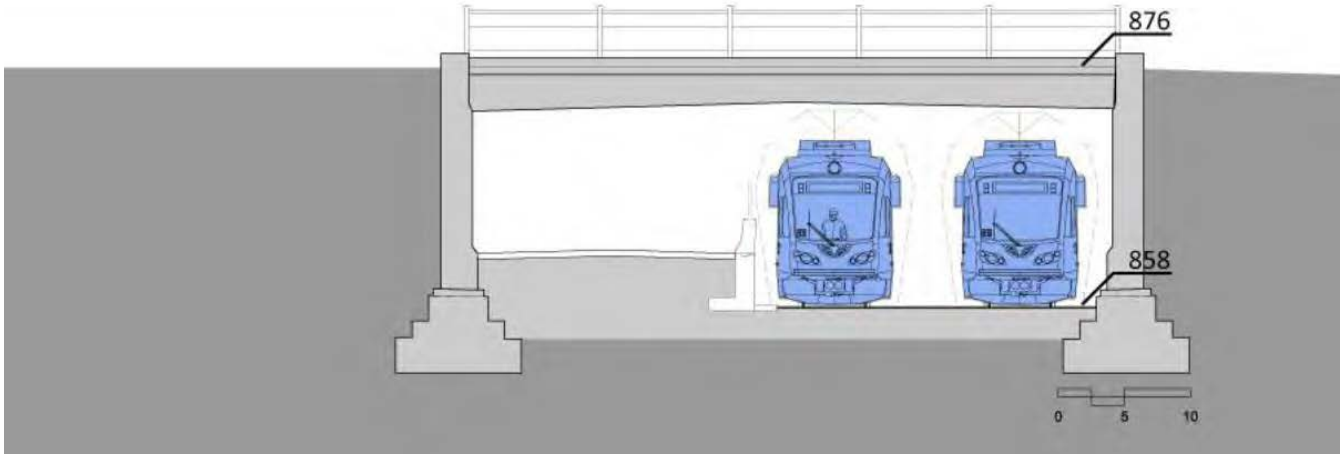
12.2.5 **Outcome**: There is no loss of vehicle parking for park and trail users.

12.2.6 **Outcome**: Greenspace at the northwest corner of Lake Calhoun is preserved for park visitors and recreational purposes.

13 Appendix A – Cedar Lake Parkway/ Southwest Transitway

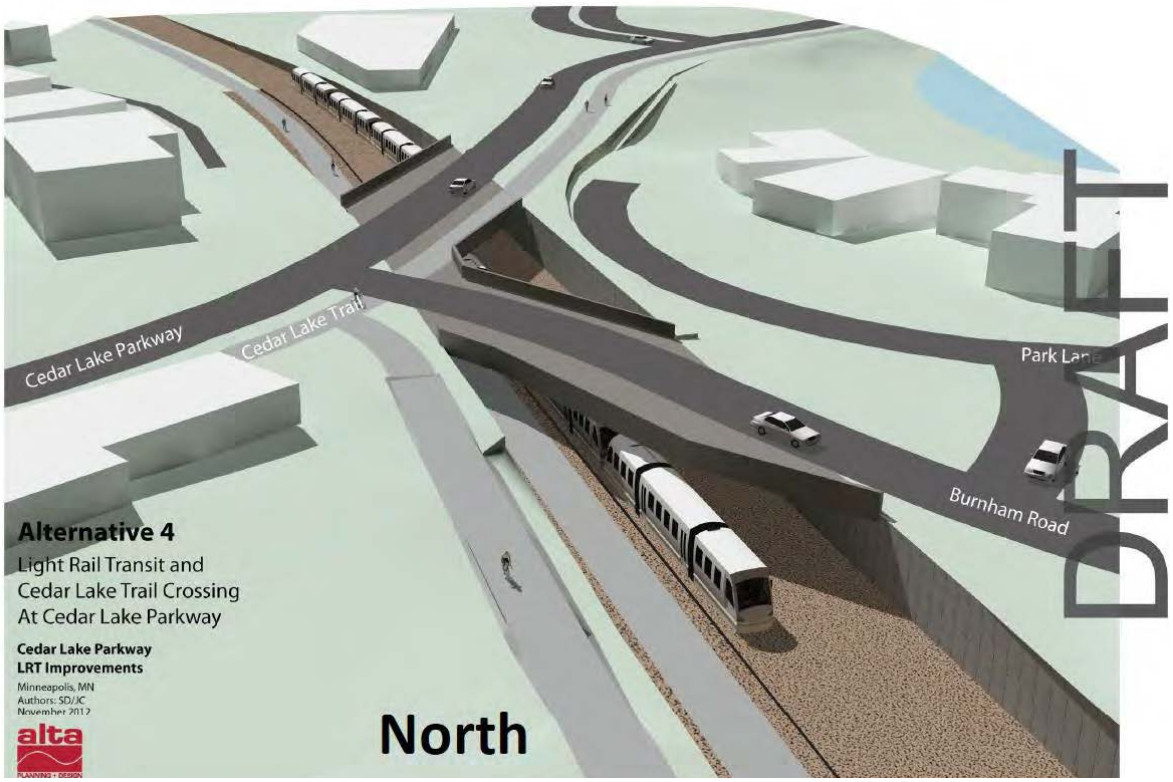
Appendix A is intended to illustrate the concept of lowering the train and trail and bridging Cedar Lake Parkway at the Cedar Lake Parkway/Southwest Transitway intersection. This concept is discussed in Section 9 of this comment letter. The following pages contain a few key images of the analysis conducted on this concept by Steve Durrant of Alta Planning + Design for the MPRB.

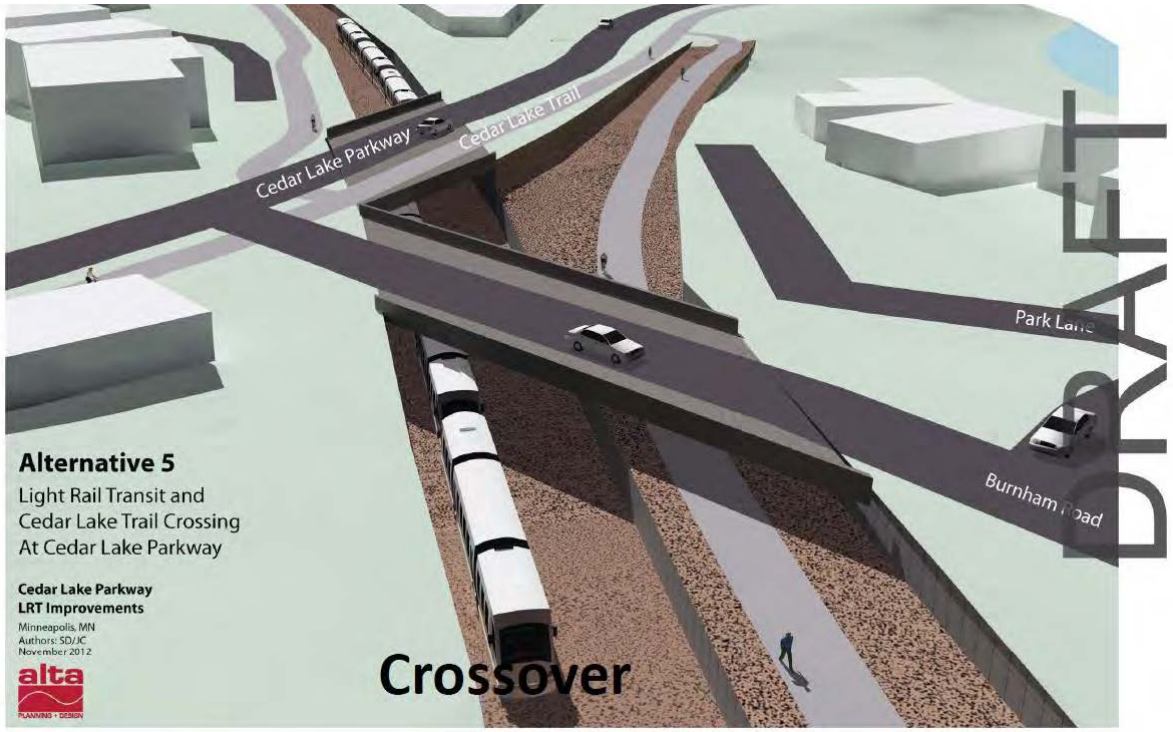
Below Grade



Above is a potential cross-section showing elevations for Cedar Lake Parkway (above) and the trail and train.

These are examples of grade separated crossings with trail on east (North version) or west (Crossover version) side of tracks. These are provided to illustrate the concept, not to provide a complete overview of the feasibility study.





CELEBRATING 45 YEARS est. 1970 OF EXCELLENCE

STUART CO
YOUR HOME. OUR COMMITMENT.

July 17, 2015

Nani Jacobson
Assistant Director, Environmental & Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

RE: Comments and Objections of Stuart Companies to Supplemental Draft EIS (SDEIS) and Supporting Reports of Westwood Engineering and ESI Engineering

Dear Ms. Jacobson:

Stuart Companies has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) prepared by the Met Council. We were struck by the document's failure to adequately consider important issues affecting Stuart's residential development north of Smetana Road in Minnetonka and Hopkins. These omissions, including failure to properly identify, analyze and consider noise impacts, and inadequate consideration of alternative sites which would avoid such adverse impacts, and failure to adequately consider risks of the release of environmental contaminants, are described in more detail in the attached reports done by Westwood Engineering and ESI Engineering. These reports are incorporated as part of Stuart's comments and objections.

It should be apparent from the matters discussed in the ESI and Westwood Reports that the SDEIS has been rushed and is defective in key respects. It should not have been necessary for Stuart Companies to retain its own engineering firms to identify issues that should have been investigated as part of the Project's own environmental studies. Nonetheless, we have done this work and provided it to you. Please take note of the issues and adverse impacts raised that have not been properly considered in the SDEIS. Your response should consider and address these incorporated reports.

We strongly object to this process going forward until the environmental impacts on our property – which will be severe and disruptive to a quiet and protected residential property with more than 1,500 residents – are correctly analyzed and considered. This is especially true since a preferable alternative using 11th Avenue is readily available at a lesser cost.

Sincerely,

STUART COMPANIES

Stuart H. Nolan
Chairman and Founder

Lisa Moe
President and CEO

Corporate Headquarters
1000 West 80th Street
Minneapolis, MN 55420-1000
☎ (952) 948-9500
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www.stuartco.com

July 17, 2015

Ms. Lisa Moe
StuartCo
1000 West 80th Street
Minneapolis, MN 55420

Phone (952) 948-9506

ESI ENGINEERING, INC.
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Fax: (952) 831-6897
Internet: esi-engineering.com

Supplemental Draft EIS Comments
Southwest Transitway Light Rail Noise and Vibration
StuartCo – Minneapolis, Minnesota

Dear Ms. Moe,

We have completed an initial review of the May 2015 Supplemental Draft Environmental Impact Statement (SDEIS) prepared by the Met Council for the Southwest Light Rail Transit (SWLRT) project. We understand the last day for public comment is July 21, 2015. The following are our findings related to noise and vibration impacts to your properties north of Smetana Drive in Hopkins, Minnesota.

As you are aware, the SDEIS references the Draft EIS issued October 2012. Several assumptions used by the Met Council's consultants for the noise and vibration analysis are listed in Chapter 4 of the DEIS, including the following:

- The LRT makes 198 trips between 7:00 am and 10:00 pm
- 60 trips are made between the hours of 10:00 pm and 7:00 am
- 16 trips are made each hour during peak hours (6:00 am to 9:00 am and 3:00 pm to 6:30 pm)
- There are three articulating cars per transit train
- Train speeds vary in different segments of the corridor, ranging from 20 to 50 miles per hour
- LRT bells are used for five seconds as vehicles approach at grade crossings, crosswalks, and station platforms.
- Grade crossing bells are used for 20 seconds for each train. (from Appendix H of 2015 SDEIS)

Operations and Maintenance Facility Location

Figure 1 shows the location of the proposed Hopkins Operations and Maintenance Facility (OMF) in comparison to nearby StuartCo properties. In the review of possible environmental categories effecting OMF sites, several categories were dismissed for review for Site 9A, Hopkins K-Tel East. These dismissed categories include noise and vibration impacts. According to the FTA guidelines in the 2006 Transit Noise and Vibration Impact Assessment document, the screening distance required for noise assessments **from** "yards and shops" is 1000 feet. Figure 1 shows a circle with a radius of 1000 feet with a center at a point on the south end of the proposed Hopkins OMF site location. Multiple StuartCo residential units fall within this area, with the closest unit being approximately 750 feet from the proposed Hopkins OMF. Clearly a noise impact assessment will be needed per the FTA requirements and none was done. Noise from the OMF will also need to meet the MPCA requirements, which may be more restrictive.

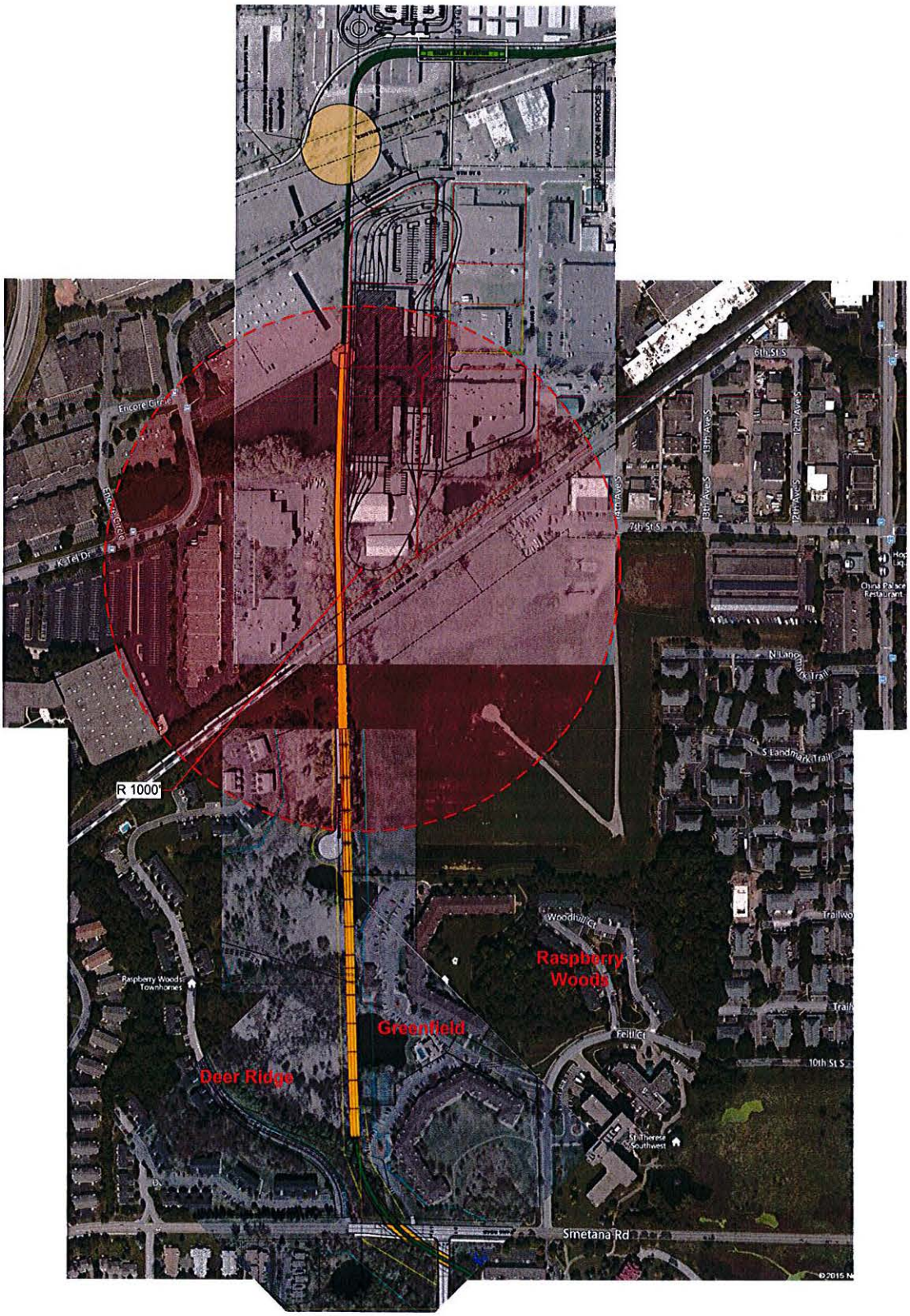

Figure 1 – Hopkins Operations and Maintenance Facility Location

Existing Noise and Vibration Assessments

Appendix H of the DEIS includes the representative receptor/clusters used in the noise assessments that were done for the project. In an evaluation of the Distance to track and Unit count columns, the noise assessment data given in the DEIS appears to be inaccurate regarding the representative receptor properties for the StuartCo properties.

Table 1 is a summary of the clusters assessed in the DEIS Noise Assessment Table that are near Smetana Drive in Hopkins and the StuartCo properties. The main column categories we are concerned about are highlighted in red. Based on our review, the values listed for distance to track are too large to represent the Greenfield buildings. The shortest "distance to track" length that was listed in the DEIS for the 3-F segment is 125 feet. According to our estimates, there are apartments and townhomes in this track segment that are less than 100 feet from the track. Additionally, the unit count data for the eastbound clusters does not match an expected unit count for the Greenfield properties that would fall into these clusters.

Based on a review of the clusters listed in Table 1 that are greater distances than the StuartCo properties, we expect the impact assessment for the StuartCo properties, had it been done, would be in the severe range.

We do not find that a vibration impact assessment was completed for the Greenfield or other StuartCo properties. The FTA screening distance for a vibration assessment for residences is 150 feet. Since these apartments are within that distance, it is necessary for the vibration impacts to be assessed.

Event Building

An outdoor social event building is located on the north side of the Greenfield property. This particular building is less than 30 feet from the proposed LRT tracks. Because there are no cluster identifiers within the 3-F segment that are listed as being even somewhat within this distance from the tracks, it is apparent that this particular unit has been overlooked in the noise assessment. The screening distance for vibration is 100 feet for this type of building (Land Use Category 3), which means a vibration assessment is also required.

Rail Crossovers

Segments of the track with crossovers or turnouts can produce an increase in noise level of up to 6 dB and an increase in vibration levels of up to 10 dB. These assumptions are stated in the SDEIS, but are not stated as assumptions in the DEIS noise and vibration assessment for StuartCo's properties. The drawings do not show where railway crossover locations are positioned. However, if there are crossovers near the StuartCo properties, it is necessary for these to be included in the impact assessments.

Elevated Rail

Portions of the track nearby StuartCo properties are proposed to be elevated on bridges due to ground conditions and ponds. When track is built on an elevated structure rather than on ground, there is potential for additional structure-borne noise. This additional impact has not been addressed in the noise assessment for this area. Figure 2 shows the elevated track near the StuartCo properties. The effects of the elevated rail structure should be included in the impact assessment.

Table 1 – Noise Assessment Summary for Segment 3-F Near the StuartCo Properties

	Count								Impact Criteria						Number of Impacted Receptors	
Cluster Identifier	Land	Unit	Land Use Category	Side of Guide way	Distance to track (ft)	Train Speed (mph)	Noise Metric	Existing Noise Level (dBA)	Moderate (dBA)	Severe (dBA)	Project Related Noise (dBA)	Cumulative Noise Level (dBA)	Increase Over Existing (dBA)	Impact Level	Moderate (land [units])	Severe (land [units])
3-F-EB-2-13	3	99	2	EB	938	50	Ldn	62	59	64	55	63	1	None	-	-
3-F-EB-2-14	1	1	2	EB	187	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-15	1	1	2	EB	164	50	Ldn	62	59	64	71	72	10	Severe	-	1 [1]
3-F-EB-2-18	1	1	2	EB	230	50	Ldn	62	59	64	66	67	5	Severe	-	1 [1]
3-F-EB-2-19	3	3	2	EB	528	50	Ldn	62	59	64	63	66	4	Moderate	3 [3]	-
3-F-EB-3-8	1	1	3	EB	607	50	Leq	62	64	69	57	63	1	None	-	-
3-F-WB-1-3	1	1	1	WB	125	50	Leq	62	59	64	61	65	3	Moderate	1 [1]	-
3-F-WB-2-16	1	1	2	WB	295	50	Ldn	62	59	64	63	66	4	Moderate	1 [1]	-
3-F-WB-2-17	1	1	2	WB	200	50	Ldn	62	59	64	70	71	9	Severe	-	1 [1]
3-F-WB-2-20	13	19	2	WB	344	50	Ldn	62	59	64	68	69	7	Severe	-	13 [19]
3-F-WB-2-21	33	33	2	WB	449	50	Ldn	62	59	64	64	66	4	Moderate	33 [33]	-
3-F-WB-2-22	7	13	2	WB	673	50	Ldn	62	59	64	62	65	3	Moderate	7 [13]	-
3-F-WB-3-7	1	1	3	WB	1056	50	Leq	62	64	69	52	62	0	None	-	-

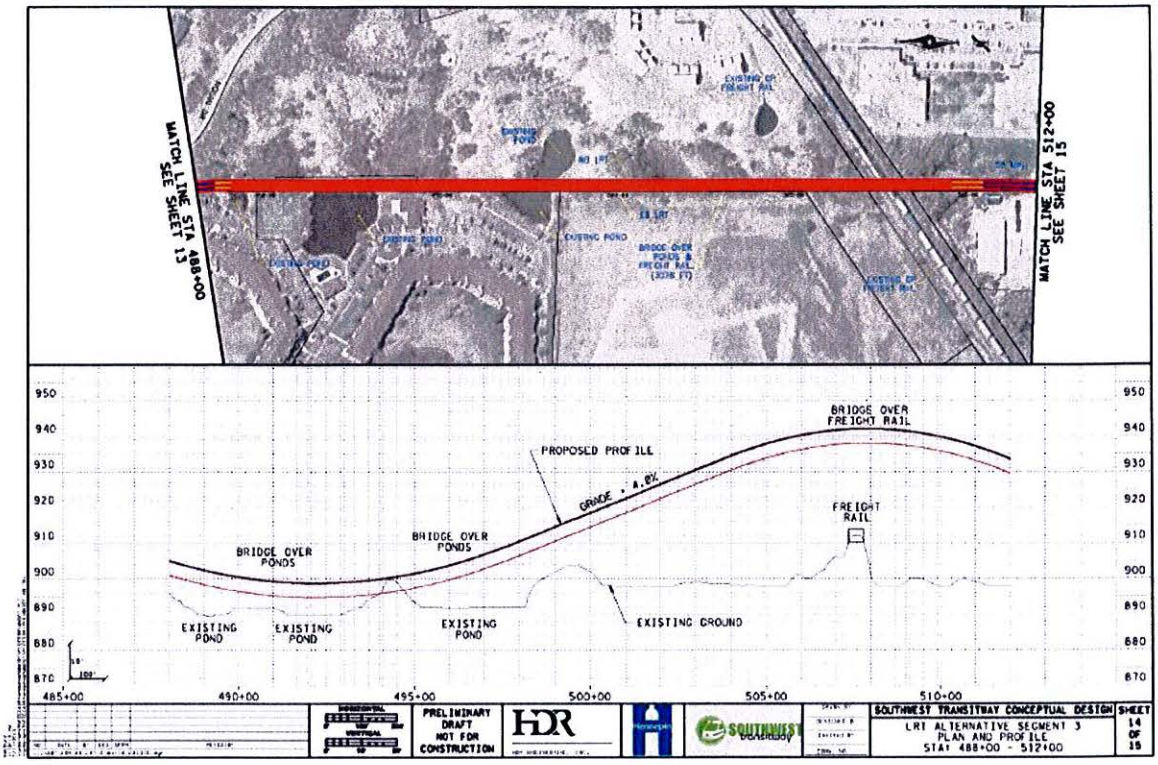

Figure 2 - Elevation of track in SDEIS Appendix F

Construction Vibration and Noise

Appendix H in the DEIS has a section on construction noise; however we do not find that an assessment has been done. Considering the extremely close proximity of the construction to the StuartCo properties, and the number of affected residences, construction vibration and noise will need to be studied and alternate construction methods may need to be considered. We are particularly concerned about the pile driving vibration and noise impacts.

We appreciate the opportunity to work with you on this project and remain available to assist in the resolution of these and any other matters. Please let us know if you have questions or need more information.

Sincerely,

Anthony J. Baxter, P.E.
ESI Engineering, Inc.

Westwood

7699 Anagram Drive
Eden Prairie, MN 55344

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Fax (952) 937-5822

westwoodps.com
(888) 937-5150

July 17, 2015

Ms. Lisa Moe
Stuart Companies
1000 West 80th Street
Minneapolis, MN 55420

RE: Supplemental Draft EIS (SDEIS) Comments
Operations and Maintenance Facility Location, Hopkins

Dear Ms. Moe,

At the request of Stuart Companies, Westwood Professional Services (Westwood) has completed our review of the SDEIS. Based on our review we found numerous shortcomings in the SDEIS's analysis of and preference for the selection of the Operations and Maintenance Facility (OMF) at the SW corner of K-Tel and 16th Avenue in Hopkins (Site 9A, Hopkins K-Tel East). Though by no means exhaustive, these problems are the result of the lack of information provided on the Environmental Resources studied for the OMF site, and the lack of findings on how the criteria were graded to support and/or dismiss compatible sites. Specifically there is a lack of information on the evaluation of alternative site, 11A Hopkins 11th Ave West, which was the runner-up site.

The following points outline our objections.

1. OMF Site Selection Evaluation: Failure to Identify Reasons for Selection of Site 9A

The SDEIS does not adequately address the rationale for selecting the proposed 9A site over a compatible alternative neighboring site, 11A, 11th Ave West. We request that the SDEIS provide more detail on the selection of its preferred site per our notes below.

Site 9A was not part of the original DEIS review and thus did not receive the full studies that were associated with the DEIS. In fact the DEIS recommended four other sites for the location of an OMF, all of them outside the city of Hopkins. The four other sites included three in Eden Prairie and one in Minneapolis. Although early in the process four sites were considered in Hopkins they were all dismissed during the review process. We understand that a more centralized location was identified as a reason for selecting a site in Hopkins in the SDEIS, however we feel not enough information was provided on the selection process.

As part of the SDEIS analysis for a preferred OMF site the Met Council used a four step process. Through that process approximately 30 sites were initially identified and subsequent steps dismissed potential sites. The four steps were as follows:

- First Step—preliminary site evaluation, 30 initial sites were reduced to 18 sites
- Second Step—detailed assessment based on 13 criteria—18 sited were reduced to 7 sites
- Third Step—an operational analysis and public jurisdictional review—7 sites were reduced to, the recommended 9A site and 11th Ave site 11A.
- Fourth Step final selection—detailed assessment and public jurisdictional review

Site 11A, K-Tel at 11th Ave., was a top candidate throughout the process. During the second step evaluation, assessed on 13 criteria as listed on table F.4-2, site 11A had a better rating than 9A. The K-Tel at 11th Ave site received seven (7) Excellent ratings compared to 5 received by site 9A, K-Tel East. Site 11A also received three (3) Very Good rating, two (2) Good ratings and a marginal rating for cost. The cost difference between the two sites was marginal as the 11A site had a cost range of 40-45 million while the 9A site was 35 to 40 million, thus having overlapping cost estimates.

In the Third Step Evaluation site 11A received better scores in alignment location and was even in all other categories except for the cost, as noted above. In regards to cost, the SDEIS does not identify the costs associated with the two sites. With critical budget constraints being currently discussed this part of the analysis should be further reviewed. This is especially true since it is apparent that the likely costs of acquisition from Stuart Companies are substantially understated.

The reasons cited in Appendix F, Table 4.3 (attached) for selecting site 9A apply equally to site 11A, but were not credited to 11A:

- Consistent with land and zoning
- Operate relief access/station proximity favorable
- Freight Rail and LRT alignment buffer along property borders
- Redevelopment potential of remnant area

While the rationales cited in Table 4.3 for dismissing 11A included "Nine Mile Creek crossing the site"; known site contamination; and potential development impact on Shady Oak Station, it is apparent, however, that these same arguments should apply to dismiss site 9A. This failure to apply identical physical criteria equally suggests an arbitrary and defective evaluation process. Also site 9A has significant additional environmental problems: the K-Tel East site (Site 9A) requires the filling of wetland and of floodplain and is adjacent to a capped sanitary land fill, which is being monitored for methane. The report does not identify if there are known site contaminations on site 9A, but does note that all industrial sites are subject to contamination and must go through a Phase II analysis. And as far as potential development impact to the Shady Oak Station, moving the OMF to site 11A would support the potential growth around the station. By

contrast, the SDEIS notes that the proposed OMF will adversely impact the potential development opportunity around the Shady Oak Station under the long-term impact section of the SDEIS.

In conclusion, the site selection process appears arbitrary and incomplete. We recommend that additional information be obtained and analyzed to demonstrate why site 9A was selected over site 11A.

2. Environmental Resources Which the SDEIS Did Not Consider in the 9A Site Selection

The SDEIS concluded that sixteen (16) environmental resource categories not be reviewed. We believe that since this is a new OMF location that was not reviewed in the previous DEIS it is imperative that all resource categories should be considered. Determination not to review an environmental resource was based on whether there would likely be new substantial environmental impacts for a particular resource category. The sixteen (16) categories dismissed by the SDEIS are as follows:

- Social Economics*
- Neighborhood and Communities
- Cultural Resources
- Visual Quality and Aesthetics
- Biota and Habitat
- Threatened and Endangered Species*
- Farmlands*
- Air Quality
- Noise
- Parklands, Recreational Areas, and Open Space
- Vibration
- Electromagnetic Interference and Utilities*
- Energy and Climate Change*
- Transit
- Freight Rail*
- Bicycle and Pedestrian

We agree that a few of the categories need not be investigated as they do not exist at or near the site and are a non-factor to the review; they are highlighted by an asterisk above. However the remaining categories should be considered and reviewed. An Operations and Maintenance Facility brings with it many environmental impacts to the surrounding area, especially when operating 24 hours a day, 7 days a week, and 365 days a year. The site is proximate to numerous residences (including those of Stuart Companies), an extensive and environmentally sensitive wetland and a closed sanitary landfill. With trains continuously entering the OMF facility through the network of switching rails and being routinely serviced at the OMF, the community surrounding the facility as well as the physical environment will be adversely impacted by its operations.

The categories associated with Neighborhood and Communities, Air Quality and Pedestrian Interference will be negatively impacted by the 24-7, 365 days a year operation of a rail facility. The lights, noise and activity of the OMF will be a change to the neighborhoods and a potential impact to the landfill.

The categories associated with Cultural Resources, Visual Quality, Habitat and Open Space are all negatively impacted by the location of the OMF adjacent a large wetland basin and the park like qualities associated with the surrounding residences.

One key example of an environmental resource being improperly dismissed is the noise category. No further testing is identified for the proposed OMF site even though critically sensitive residential properties (including Stuart Companies' development) are proximate to that site. This omission is a major failing for a study of this kind.

Stuart Companies has engaged ESI Engineering to provide further review of the SDEIS with regarding to its analysis (or lack of analysis) of noise.

3. Risk of Environmental Releases at Site 9A

In its review of the environmental resources categories that were studied the SDEIS raised potential concerns with groundwater contamination resulting from hazardous material releases. With four known hazardous sites at site 9A and several potential hazardous sites the possibility of groundwater contamination near residential homes is concerning.

This is compounded by the fact that a capped landfill is adjacent the site and presents a risk of a release which would contaminate groundwater if disturbed by vibration resulting from construction or the constant running of trains immediately adjacent to the landfill.

We believe a more in-depth study is necessary that shows how the landfill may be protected from potential groundwater impacts and identifies the mitigation steps that will be taken if the landfill releases methane or other contaminates as a result of the construction of the OMF or vibration of the trains utilizing the facility and rails.

Sincerely

Tom Goodrum
Senior Planner
Westwood Professional Services

STUART CO
YOUR HOME. OUR COMMITMENT.

Nani Jacobson
Assistant Director, Environmental &
Agreements
Metro Transit – SWLRT Project Office
6465 Wayzata Boulevard, Suite 500
St. Louis Park, MN 55426

1000 West 80th Street • Minneapolis, MN 55420

From: Steven Goldsmith
To: swlrt
Subject: Comment on SWLRT SDEIS
Date: Tuesday, July 21, 2015 3:32:05 PM

I fully endorse the comments submitted by LRT DONE RIGHT

There are many very serious matters raised in the SDEIS. To really address them will be complicated and very expensive. The project is already over budget and the proposed cuts to reduce cost also reduce value and may fatally compromise ridership/cost estimates. You will do the ultimate success of this project grave and likely fatal harm by submitting it to the fTA before all key feasibility issues are resolved and the final true costs of running the line partially at grade with co- located freight are known.

Sent from my iPad

From:	CIDNA Neighborhood
To:	swlrt
Cc:	Craig Westgate; Ginis, Sophia
Subject:	Comments for Southwest LRT Supplemental Draft EIS
Date:	Tuesday, July 21, 2015 4:44:22 PM
Attachments:	CIDNA SDEIS.pdf

Hello,

The Cedar Isles Dean Neighborhood Association (CIDNA) Board of Directors approved the attached comments in response to the Southwest LRT Supplemental Draft Environmental Impact Statement on July 21, 2015.

Thank you,

Monica Smith
Coordinator
CIDNA
612-821-0131
info@cidna.org

Cedar Isles Dean Neighborhood Association (CIDNA)
Comments for the Southwest LRT Supplemental Draft Environmental Impact Statement

The CIDNA Board of Directors approved the following comments in response to the Southwest LRT Supplemental Draft Environmental Impact Statement on July 21, 2015.

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

This section identifies the potential long-term and short-term impacts that would result from the need to acquire land to implement the LPA in the St. Louis Park/Minneapolis Segment. The numbers of parcels that would need to be acquired and the potential for relocation of existing businesses are discussed in this section.
Long-Term Direct and Indirect Acquisitions and Displacements Impacts This section addresses how businesses and other land uses could be affected by the proposed LPA in the long term. Implementation of the LPA in the St. Louis Park/Minneapolis Segment would result in full acquisition of 23 parcels and partial acquisition of 29 parcels, including those with industrial, commercial, railroad, and residential land uses, as summarized in Table 3.4-3 and illustrated on Exhibit 3.4-1. All potential acquisitions within the segment will be within the cities of St. Louis Park and Minneapolis. The full acquisition of the 11 parcels with industrial and commercial uses could potentially result in the relocation of up to nine businesses that currently operate on or use these parcels. The acquisition of three parcels owned by a construction company and used for storage could result in the displacement of that business if the storage area needs to be in close proximity to the company's operation that is not affected by acquisition. Depending on the preferences of the owner, the project would work to relocate displaced businesses. A combined total of approximately one acre of land would be acquired from a total of seven residential parcels occupied by multiple condominiums and apartments, and would result in no displacements or relocations.

We request more information about 3400 Cedar Lake Parkway. On the Hennepin County property tax website, this parkland is listed as being owned by the Minneapolis Park and Recreation Board. What evidence does the Council have that it is owned by BNSF railroad? This ownership question is of critical importance in the analysis of compliance with federal Section 106 and 4(f) laws. Also, how does the Council determine a fair acquisition price to pay a private railroad company for a property that is indicated in public records as being owned by a public entity?

In Short-Term Acquisition and Displacement Impacts, the Council states that "[s]hort-term occupancies of parcels for construction would…change existing land uses" including "potential increases in noise

levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see: http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf

Using figures listed on the Hennepin County property tax website, annual property taxes payable just for the St. Louis Park properties listed as potential FULL parcel acquisitions in Table 3.4-3 total approximately [$240,000] but Section 3.4.3, Economic Effects, states that the annual reduction in property tax revenue to the City of St. Louis Park for all full AND partial acquisitions is only $35,940. The SDEIS lists plans for partial acquisition of properties owned by Calhoun Towers, Calhoun Isles Condo Assn and Cedar Lake Shores Townhomes and other private property in Minneapolis but no property tax loss is listed for Minneapolis. The Council should explain its calculations that the property tax losses are that low or nonexistent. Although we anticipate that the Council will not release dollar figures for specific property acquisitions, how can the public be assured that the Council is minimizing the cost of acquiring these properties, which will be borne by taxpayers as part of the Project cost?

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

This section identifies the potential long-term and short-term impacts to the archaeological and architecture/history resources listed in or eligible for the NRHP.

Long-Term Direct and Indirect Cultural Resources Impacts.

This section describes long-term direct and indirect impacts on cultural resources within the segment's APEs. Tables 3.4-4 and 3.4-5 provide preliminary determinations of effect that the LPA could have on the architecture/history and archaeological resources in the St. Louis Park/Minneapolis Segment and, identifies areas for continued consultation. Long-term direct and indirect effects include changes to historic properties and their settings, including visual effects, resulting from the construction of the project and new development and redevelopment around transit stations. Long-term indirect effects include noise effects and changes in traffic and parking patterns associated with operation of the project, as well as new development and redevelopment around transit stations. Final determinations of effects (i.e., whether they would be adverse or not) will be made by FTA, in consultation with MnDOT CRU, MnSHPO, and other consulting parties, in the forthcoming Final EIS.

Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office, an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will

have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that may be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

These items will not avoid, minimize or mitigate the long term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS. Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The bridges over the Lagoon will have an adverse impact because of their the size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure will alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation and avoidance/minimization/mitigation measures to be identified. The possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change

traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need to ensure that plans are in place to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction as well as an agreement that specifies how these potential impacts will be monitored. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction.

The SDEIS also lists "station area development" as an item to be addressed through continued consultation. Numerous statements have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station…."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station
The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf
The Council must explain what development is being referred to in Table 3.4-5.

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

This section identifies parklands, recreation areas, and open spaces in the St. Louis Park/Minneapolis Segment, along with potential long-term direct and indirect, and short-term impacts that would occur as a result of the LPA. Some potential effects of the LPA on parklands, recreation areas, and open spaces in the segment have changed since publication of the Draft EIS; these are also identified and addressed in this section. As summarized in Table 3.4-1, there would be no long-term direct impacts (defined as the permanent incorporation of parklands, recreation areas, or open spaces into the project) from the LPA on parklands, recreation areas, and open spaces in the segment. Long-term indirect and short-term temporary construction impacts (i.e., visual, noise, and access) from the LPA would occur at four parks that would be directly adjacent to the proposed light rail extension.

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

We request more information about 3400 Cedar Lake Parkway. This parkland has long been listed as Minneapolis Park and Recreation Board property on the Hennepin County property tax website. What evidence does the Council have that it is owned by BNSF railroad? Does the conclusion of no long-term direct impact of the Project on Cedar Lake Park depend on the Met Council taking advantage of a loophole: that documentation conveying this Cedar Lake Park property to the Park Board many years ago may be lacking, even though the intent that it be parkland was understood?

The SDEIS states: “None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces.” We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

This section describes the potential short-term impacts to parklands, recreation areas, and open spaces that would occur during construction of the LPA.
Construction activities could result in short-term indirect impacts to parklands, recreation areas, and open spaces that would be located directly adjacent to the project’s construction zones (i.e., Jorvig Park, Lilac Park, Park Siding Park, Cedar Lake Park, and Lake of the Isles Park). These short-term indirect impacts could include temporary generation of dust, noise, and increased truck traffic (see Sections 4.6.5 and 4.6.6 of the Draft EIS for further information on short-term air quality impacts and mitigation measures; and see Section 3.4.2.3 of this Supplemental Draft EIS for additional information on short-term noise impacts and mitigation measures, including noise generated by increased truck traffic). These impacts would be of short duration and will be minimized through the implementation of standard related construction BMPs, such as dust control, erosion control, and proper mufflers.

Please specify the extent to which the stated "standard" measures would be sufficient to protect this environmentally sensitive parkland.

During construction, how can the safety of park and trail users (Park Siding Park, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed?

Section 3.4.1.5 Visual Quality and Aesthetics

Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:

Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.

Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.

While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial." (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be <u>substantial throughout the corridor</u>.

Throughout this area, the SWLRT project will remove a large amount of green space and trees, and replace them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the degree of change in the visual resource will be great, and, with well over 600,000 annual visitors to the Kenilworth Trail, the exposure to viewers will be high. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

It appears that the consultant determining the visual qualities of the corridor relied entirely on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J,

section 2B). If this is true, it is very discouraging that the area was not visited in person by the evaluator, nor were any stakeholders consulted.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent neighborhood. The 21st Street Station – a slab of concrete and metal with fencing and catenaries – will certainly "create a focal point," but it is not credible to assert that this will positively impact the visual qualities of a place that is now adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. **We assert that the Council must recognize this and identify robust and meaningful mitigation measures for incorporation into the project.**

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

The Section 404 permit application will identify compensatory mitigation for unavoidable impacts to wetlands and other aquatic resources. A Compensatory Mitigation Plan will be developed by the Council, and reviewed by USACE, prior to the submittal of the Section 404 permit application.

CIDNA demands that there be a much more significant and transparent discussion regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially the Kenilworth Channel and Cedar Lake. While a permit application is required, the SDEIS identifies that there will be damage done to aquatic resources but does not specify the level of damage done during construction and then during operation of the line. The further impairment of these resources is a direct violation of the EPA Clean Water Act and will degrade one of the crown jewels of the Minneapolis "City of Lakes" water resources. Residents swim, paddle, and recreate in those resources, and to callously suggest that a section 404 permit will just address those concerns is alarming. Further, CIDNA is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. Southwest Project Office has already stated that additional contaminination is

likely to be found, and while the additional contamination is stated to be covered by the contingency fund, CIDNA finds this approach to be irresponsible budgeting without fully knowing what contamination exists and if enough is actually budgeted in the fund. The Kenilworth Corridor north of 21st St is a former rail yard that housed up to 58 rail lines during its peak, and was in service for decades. The SDEIS itself specifies the numerous toxic contamination in such soil due to its former use. CIDNA strongly opposes disturbing the land and releasing contamination into the water and air.

Southwest LRT Supplemental Draft EIS - Supporting Documents and Technical Reports: SWLRT Kenilworth Shallow LRT Tunnel Basis of Design Technical Report (Met Council, 2014d):

An Existing Sewer Force Main Crosses the Proposed Location of the SWLRT South Tunnel in the Kenilworth Corridor. The removal and relocation of recently installed dual force mains, running beneath the freight tracks and Kenilworth Trail (between Depot Street and W. 28th Street) at the site of the proposed south tunnel, will be necessary to accommodate co-location of LRT with freight in the Kenilworth Corridor. The presence of the existing dual sewer force mains has design and construction implications on the shallow tunnel, which have not been addressed in the SDEIS. The SDEIS technical drawings for the shallow tunnel do not indicate the existing force sewer main or the sewer relocation plan. Although Metropolitan Council has indicated replacing 200' of the dual 18" sanitary sewer force mains at Depot Street in its 9/19/14 CTIB capital grant application, the design impacts and costs associated with relocating the force main are not appropriately addressed in the SDEIS or identified in the Kenilworth Shallow Tunnel Design Technical Report.

In 2013 the Metropolitan Council Environmental Services (MCES) installed replacement sewer force mains between France Avenue and Dean Parkway. The force mains follow Sunset Boulevard to Depot Street and then cross under active freight railroad tracks and the Kenilworth Trail to West 28th Street. The force mains installation at this location was completed by tunneling under, and placed perpendicular to, the railroad tracks and Kenilworth Trail so as not to disrupt active rail operations. The tunneling process required construction of two tunneling (jacking) pits on either side of the tracks. One pit was located at Depot Street and the other was located at the end of West 28th Street adjacent to Park Siding Park. The tunneling pit near Park Siding Park measured 16 by 34 feet and was approximately 27 feet deep. The excavation of these pits required the use of a crane and an excavator.

The SWLRT south tunnel construction plan indicates a pit to be dug to a depth of approximately 35 feet in this same location. The existing force main crossing consists of a 60-inch diameter tunneled steel "casing" pipe. The depth to the top of the casing pipe is approximately 17 feet and the bottom depth is 22 feet. The dual 18-inch force main pipes pass through this tunneled casing. The current placement of the force main interferes with the proposed location of the tunnel construction pit. The force main will need to be removed and relocated either above the proposed tunnel or below the tunnel to a depth greater than approximately 45 feet below ground level. See diagrams A through C below. If the force main is relocated above the shallow tunnel, the tunnel will need to be dug deeper in order to accommodate the force main above. This will result in an increased steepness in the incline of descent and ascent of the entrance and exit to the tunnel respectively. If LRT trains cannot navigate said increased grade change

then it may require building a longer tunnel in order to safely allow trains to exit and enter at a lesser incline/decline, adding to the cost and impact.

Risks associated with possible stray electrical current traveling in the ground from the LRT power lines to the sewer force mains have not been identified or addressed in the SDEIS.

The removal and re-installation of the dual force mains will have Economic, Social, and Environmental impacts.

Economic:

Cost:

Long term impact - Increase in cost of the SWLRT project of an undetermined amount as a result of co-locating freight and LRT, including:

1. Cost of removing and relocating the sewer force main located under the freight tracks and the Kenilworth Trail.
2. Cost of possible redesign of the south tunnel to accommodate force main relocation if it is reinstalled above the south tunnel.
3. Costs associated with re-engineering or lift station(s) that may be required to ensure adequate force is maintained in the sewer main if the main is re-located to a deeper position (i.e., from approximately 22 feet to more than 45 feet below ground level).
4. Cost of remediation of any portions of Park Siding Park that may be affected during removal/relocation of the force sewer main.
5. Cost of roadwork at Depot Street to remove/relocate force main.
6. Cost of damages to walls, ceilings and foundations of neighboring residences as a result of construction to remove/relocate the force sewer main.
7. Costs to remediate noise and vibrations impacts on the community that may be experienced during the construction period and post construction period should lift station(s) be required.

Social:

Parkland, Recreation, Open Spaces and Safety Impact:

Short term construction impact - Portions of Park Siding Park (a Section 4 (f) property) may again be affected in order to accommodate the removal and reinstallation of this force sewer main and construction of tunneling (jacking) pits. The original construction resulted in closure of the park to users for an extended period, installation of a temporary detour through the park to accommodate the closure of Dean Court, destruction of park vegetation, gardens and lighting, and the removal of playground equipment. Some of these same impacts may again occur during the removal/relocation of the force main and construction of associated jacking pits. In addition, the construction of the south tunnel is expected to take 2-3 years and requires a deep open pit adjacent to Park Siding Park. The access and enjoyment of this park will be affected by the tunnel construction during this extended time frame and presents a dangerous environment for nearby park users and freight rail operations. The mitigation and cost of remediation of the parkland have not been addressed in the SDEIS.

Environmental:

Noise:

Short term noise impacts - Removal and reinstallation of the force line will result in noise impacts of an undetermined level to both neighboring residents and Park Siding Park users as a result of both construction activities and construction vehicles. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Vibration :

Short term vibration impacts – Effects of construction activities and, to a lesser extent, construction vehicles will have an impact on park users, neighbors and their residences. Vibration and associated ground-borne noise impacts may damage walls, ceilings and foundations of nearby residences, as was experienced in the original construction of this force line. Mitigation plans/cost are not included in the SDEIS and need to be addressed.

Diagram A – Existing sewer force main at approximately 22 feet below grade obstructs planned location of SWLRT south tunnel in the Kenilworth Corridor, which requires an estimated 45 feet below ground level for construction pit and helical piles.

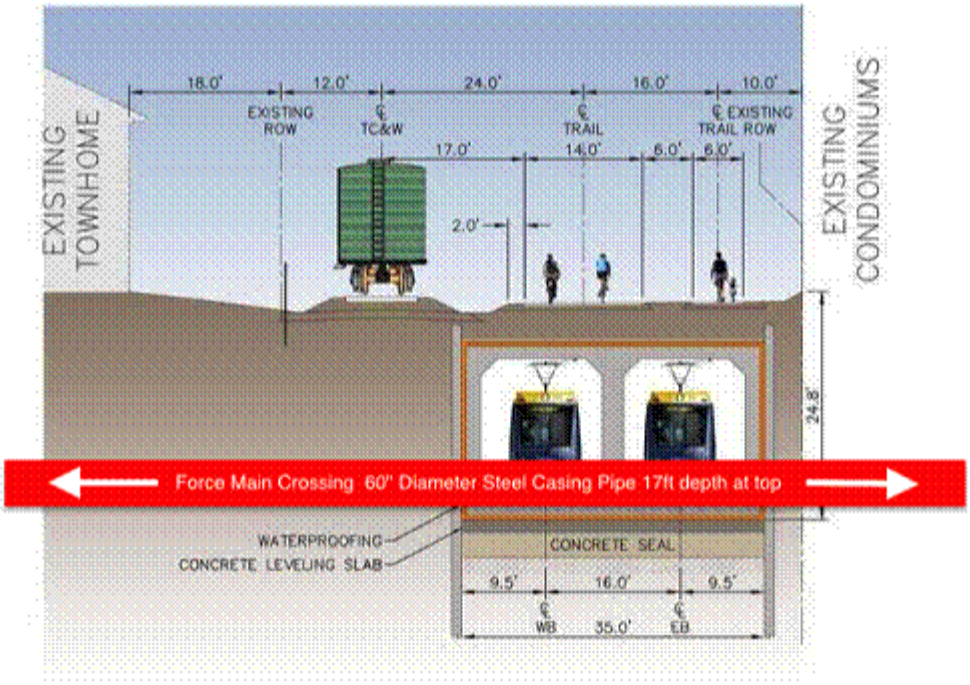


Diagram B – Typical Kenilworth Shallow LRT Tunnel Section per SDEIS

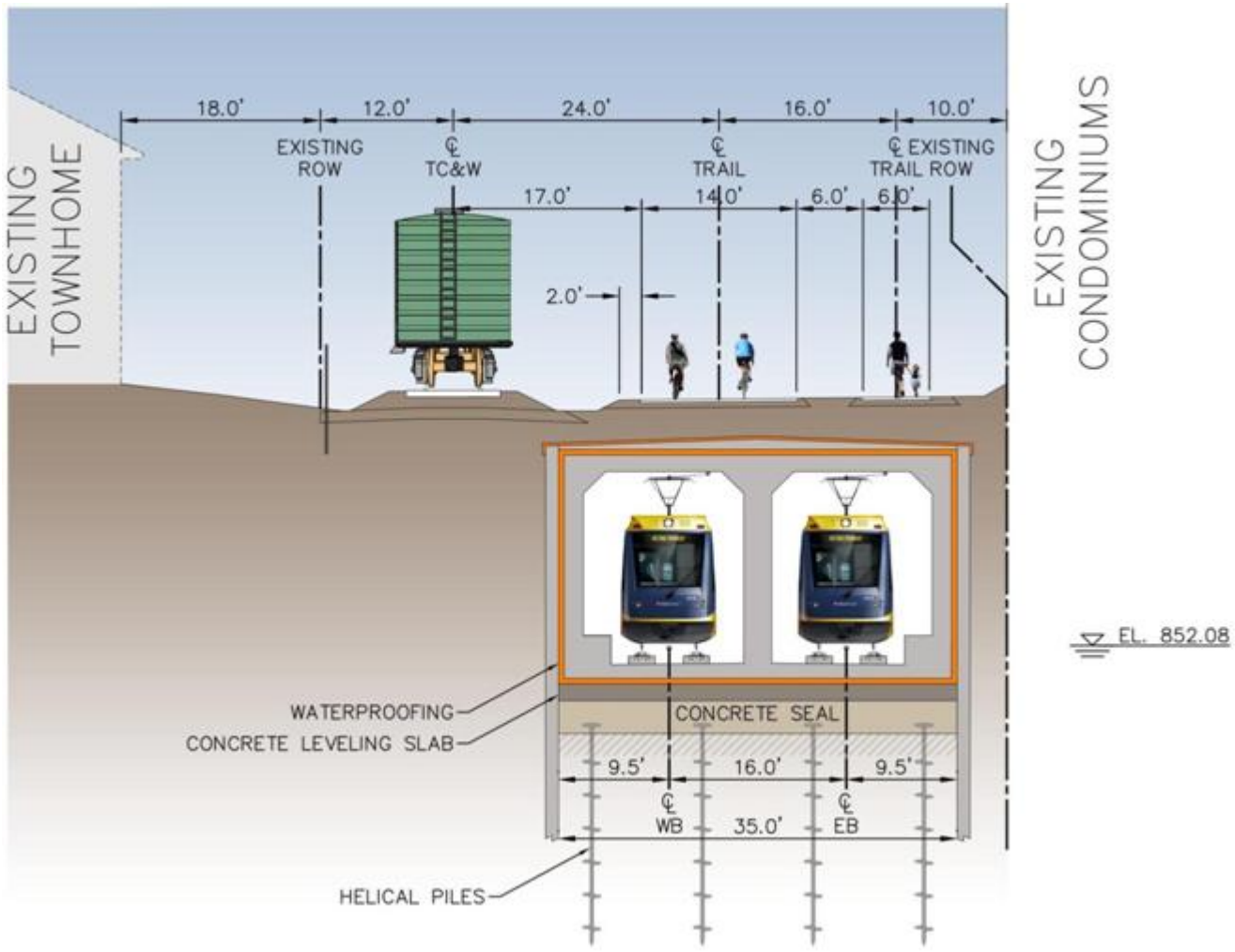
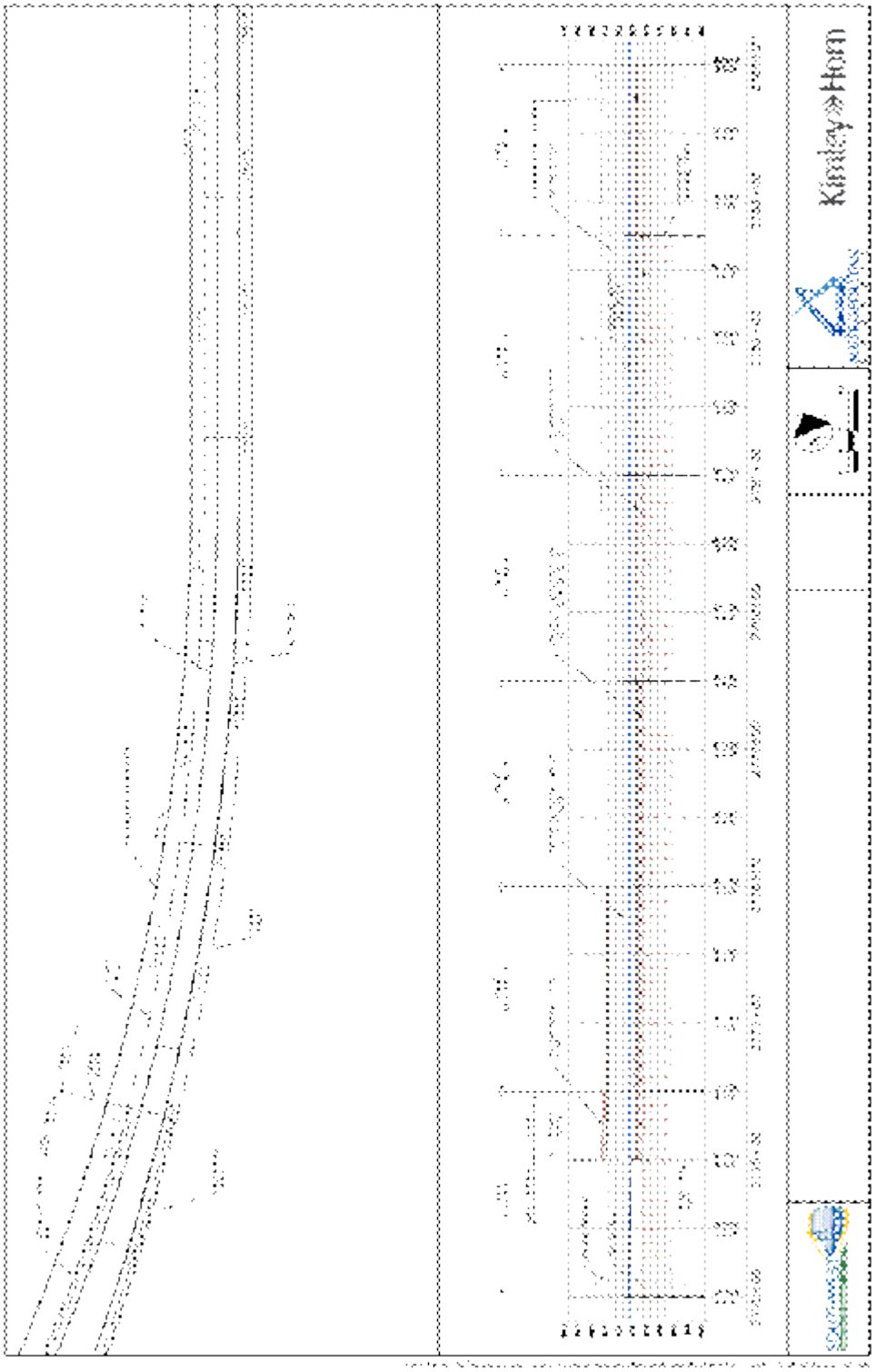


Diagram C - SWLRT South Tunnel Typical Cell Sequencing per SDEIS Note: the helical piles are shown at approximately 820 feet above sea level which is approximately 45 feet below the ground level.



3.4.2.3 and 3.4.2.3 Noise and Vibration

The SDEIS greatly understates both noise and vibration impacts of SWLRT.

- It uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[1] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***
- The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporating into the SDEIS.
- The SDEIS effectively ignores the impacts of construction. See more below.

Noise 3.4.2.3

This section provides a summary of the existing noise levels around noise-sensitive properties with the St. Louis Park/Minneapolis Segment; an assessment of how those properties would be impacted by the LPA; and how those impacts will be mitigated. As summarized in Table 3.4-1, there would be 67 moderate noise impacts and three severe noise impacts without mitigation. Background information on how noise is defined, the noise generated by LRT and freight rail, and FTA noise impact guidelines can be found in the Noise Fact Sheet in Appendix H of this Supplemental Draft EIS. Appendix H of the Draft EIS also contains background information on noise and FTA evaluation criteria. In addition, detailed information regarding noise measurements, impact methodology, and the impact assessment can be found in Appendix H of this Supplemental Draft EIS.

When the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor, and included "co-location" which will make the existing freight rail permanent, the project implicitly accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bike, walk, recreate, and live there. We believe that this responsibility has not been taken seriously and the following describes why.

[1] http://metrocouncil.org/swlrt/sdeis

SWLRT noise impacts substantially minimized

We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT in this area of Minneapolis will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Corridor. This proposed SWLRT route is not comparable to the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue), which are immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.

A **National Scenic Byway** is *a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The program was established by Congress in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).*

The Kenilworth Corridor accommodates pedestrian and bike traffic, along with a slow moving freight train – two to five times per 24 hour period – which was intended to occupy the corridor only on a temporary basis.

Now let's take a look at how this reality is compatible with the LPA of the SWLRT:
The SDEIS coolly states that 24 residences would suffer Severe or Moderate noise impact; translated, this means the noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the adjacent neighborhood with near-constant noise and vibration. As noted in Appendix H (SDEIS Noise and Vibrations Memoranda), residences are considered Category 2 buildings, with the expectation that sleep occurs there.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet, 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT 3 - car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, critically increasing the noise generated. This holds true even if the only noise increase resulted from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph. The conclusion of overwhelming intrusion is further evidenced by the analysis below combining LRT frequency, time of day or night of LRT, and LRT bell noise intensity and frequency found in Appendix H, SDEIS p.3-13 and p.3-18.

CIDNA's Analysis of SDEIS Appendix H Table 1 & p. H-4 Data

- Bells are sounded for 5 seconds prior to grade crossings, as vehicles approach grade crossings, such as the 21st Street in the Kenilworth Corridor
- Grade crossing bells are used at grade crossings for 20 seconds for each train - 21st Street is also a grade crossing.

- Bells are sounded twice at stations - 1x entering and 1x exiting station platforms, such as the 21st Station (SDEIS gives no duration). *
- Total bell time (not counting the brief pause between entering and exiting the station) is known or given as more than 25 seconds per train. It is unknown how much longer than 25 seconds the bells will sound, as exit/enter bell duration is not given in the SDEIS.

* We request the duration of bells sounding when entering and exiting station platforms be made public. This information is needed for accurate noise impacts to be known.

WEEKDAYS

Early morning 4:00 AM – 5:30 AM

- 6-8 trains per hour = 9-12 trains per day 4:00 AM – 5:30 AM
- 1 SWLRT train at 66-76 dBA every 7.5 – 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 – 10 minutes

Early morning to evening 5:30 AM – 9:00 PM

- 12 SWLRT trains per hour = 186 trains per day 5:30 AM – 9:00 PM
- 1 SWLRT train at every 5 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106A dBA + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to 9 PM in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise

Evening to early morning 9 PM - 2 AM

9 PM – 11 PM

- 6-8 trains per hour = 12-16 trains per day 9 PM – 11 PM
- 1 SWLRT train at every 7.5 - 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 --10 minutes

11 PM – 12AM

- 2 trains per hour = 2 trains per day 11 PM – 12 AM
- 1 SWLRT train every 30 minutes
- 25 + seconds of bells ((5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 30 minutes

Very early morning 12 AM – 2 AM

- 1-2 trains per hour = 2-4 trains per day 12 AM – 2 AM
- 1 SWLRT train every 30– 60 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 30 – 60 minutes

Very early morning 2 AM – 4 AM

- 2 hours of no LRT trains = baseline, current noise levels

Total = 211-220 SWLRT 3-car trains per weekday

WEEKENDS

Early morning 4:30 AM – 9 AM

- 6-8 trains per hour = 26- 36 trains per day 4:30 AM – 9 AM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 – 10 minutes

Morning to evening 9 AM – 7 PM

- 12 trains per hour = 120 trains per day 9 AM – 7 PM
- 1 SWLRT train every 5 minutes
- At least 25 seconds of bell noise (5 seconds 88 dBA + 20 seconds 106A dBA + unspecified seconds of bell noise as train enters and exits the station) every 5 minutes.
- At least 10% of every 5 minute period in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise
- At least 6 minutes of every hour from early morning to evening in the Kenilworth Corridor will consist of 88dBA and 106 dBA bell noise

Evening 7 PM to 9 PM

- 8 trains per hour = 16 trains per day 7 PM – 9 PM
- 1 SWLRT train every 7.5 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 minutes

Late evening 9 PM – 11 PM

- 6 – 8 trains per hour = 12 – 16 trains per day 9 PM – 11 PM
- 1 SWLRT train every 7.5 – 10 minutes
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 7.5 -10 minutes

Late evening 11 PM – 12 AM

- 4 trains per hour = 4 trains per day 11 PM – 12 AM
- 1 SWLRT train every 15 minutes
- 11 PM – 12 AM weekend train frequency is double weekday frequency 11 AM – 12 AM
- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 15 minutes

Very early morning 12 AM – 2 AM

- 2-4 trains per hour = 4-8 trains per day 12 AM – 2 AM
- 1 SWLRT train every 15 – 30 minutes
- 12 AM – 2 AM the weekend train frequency is double weekday frequency 12 AM – 2 AM

- 25 + seconds of bell noise (5 seconds 88 dBA + 20 seconds 106 dBA + unspecified seconds of bell noise as train enters and exits the station) every 15 – 30 minutes

Very early morning 2 AM – 4 AM

- No trains = current existing conditions

Total = 180 -195 SWLRT 3- car trains every weekend day

The result of LRT noise is the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, to a severely noise disrupted, highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise (and there will be more trains during the late evening and early morning weekend hours) a research review published in the December 2014 edition of Sleep Science, summarizes:

> emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article goes on to review that:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased mortality….during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [2]

In the area of mental health, there is growing evidence that the opportunity for 'soft fascination' experienced in greenspace supports social and psychological resources and recovery from stress. [3] The perpetual and repetitive noise from SWLRT would interrupt the soft fascination currently experienced in the Kenilworth Corridor, nearby beaches, parks, the Kenilworth Channel and general environs of Lake of

[2] Sleep Science, Volume 7, Issue 4, December 2014, Pages 209-212).

[3] British Journal of Sports Medicine 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG."

the Isles and Cedar Lake. Opportunities for 'soft fascination ', though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally if not more critical for the mental health of urban residents.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be simply ignored. Therefore, we request a study of the physical and mental health impacts of the noisy, hyper-mechanization of this currently placid area.

A. Existing Conditions (p. 3-180)

This section describes existing noise-sensitive land uses in the St. Louis Park/Minneapolis Segment and existing noise levels.

Fundamental defect with baseline noise measurements

The SDEIS uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[4] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS.

Further, since aircraft overflights are generally scarce, the average current noise level per hour is extremely low when averaged over a 24-hour period.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted that "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements there were made and publicly financed should be made public.

[4] http://metrocouncil.org/swlrt/sdeis

B. Potential Noise Impacts

This section identifies and evaluates the potential long-term and short-term noise impacts that would occur in the St. Louis Park/Minneapolis Section. The long-term noise impact evaluation considers the potential increase in noise levels for sensitive receptors closest to the proposed LRT stations and track as a result of operation of light rail and freight rail.

Noise Impacts Measurement Tables (Table 3.4-11, 3.4-12)

Following FTA noise assessment guidelines, the 76 dBA LRT noise every 5 minutes is measured as having a lower impact than actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as 51 – 64 dBA in Tables **3.4-11, 3.4-12**. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non –existent, moderate or severe. This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.

The 25 + seconds of repetitive bell noise described in the **CIDNA's Analysis of SDEIS Appendix H Table 1 & p. H-4 Data** above does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations. The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank. Furthermore, future projected noise levels of LRT and freight will be higher than the projection inputs used by the SDEIS after the clear cutting of trees and vegetation in the corridor, increasing the impact of noise generated by both SWLRT and the freight rail. When utilizing the Source – Path – Receptor FTA noise impact assessment framework, it is clear that the inputs for each of the three parameters are critical and control the outcomes determining the severity of noise impact. Removal of the trees and vegetation eliminates a significant and well established noise barrier currently in the path of noise from freight and future SWLRT. The SDEIS does not address the impact of clear cutting the trees and vegetation in the Kenilworth Corridor on Moderate versus Severe LRT noise impacts.

Tunnel Swaps Noise for Vibration

As stated in the SDEIS, the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." It must be noted, however, that these noise impacts will be replaced by vibration impacts; see the Vibration Section below.

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel

We strongly question the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material…"

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word -- the term "passive" to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.
Most significantly, that the consequence of placing the Kenilworth Channel in Category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact."

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Breaks the *System* of Minneapolis Parks.

Horace Cleveland's visionary masterplan, Suggestions for a System of Parks and Parkways for the City of Minneapolis, proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a Minneapolis Park System.

The scenario of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area breaks the larger *system* of the Minneapolis Parks.

Site N 17 (p. 3-182)
21st Street Station Noise Impacts
At the proposed 21st Street Station, crossing and station bells generating a noise level of 106 dBA and LRT bells generating 88 dBA will seriously add to the overall noise levels for 22 hours a day; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents in this area be able to sleep uninterrupted.

The **CIDNA's Analysis of the SDEIS Appendix H Table 1 & p. H**-4 given above shows the impact throughout the day and night.

Further, freight trains may need to use their horns to safely cross 21st Street, as is the current case with the "temporary" freight operations.

We thus strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.
We believe that the residences with noise impacts deemed "moderate" in the SDEIS will likely experience severe noise impacts without proper mitigation, and that in addition to the residences identified, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least a moderate noise impacts. We further believe that there will be an impact on more residences than the 24 cited in the SDEIS.

Note: The SDEIS misidentifies some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses are actually on Sheridan Avenue South.

LRT Horns are Likely
According to the federal Train Horn Rule[5], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it is not safe to silence LRT horns at this crossing. The noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood.

Issues Not Addressed in SDEIS Noise 3.4.2.3

Not addressed: Impacts near Portals
Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS.

First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be included in the costs of the Final DEIS.

Not addressed: Tunnel Ventilation System

Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact. Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations

The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

3.4.2.4 Vibration

Long-Term Direct and Indirect Vibration Impacts

The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment,* the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit

> system which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[6]

The SDEIS says that 54 residences[7] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

According to Appendix H, which addresses both noise and vibration, the table titled Typical Maximum Noise Levels(dBA) on page H-19 quantifies the dBA for LRT, freight and then lawnmowers and buses idling. The dBA for freight rail in that same table is shown for a speed of 20 MPH. The freight in the Kenilworth Corridor travels at a maximum of 10 MPH. For comparison purposes, the assessment should use the dBA of freight trains traveling at 10 mph. Use of the sound impact from a train travelling twice as fast (20 mph) as the current speed in the corridor understates the current noise level (from freight), thereby minimizing the impact and differential from the LRT trains.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". This is very unlike the impact of the freight trains: they may in some cases may be louder than the LRT, but there are only one or two of them per day — often not during the night hours — and then they are gone.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected may underestimate real-world impacts, which could be more annoying than assumed. The FDA manual states:[8]

> …the degree of [ground-borne vibration and noise] annoyance can not always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

Short term vibration impacts

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within a month of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The project had to be halted (the piles were extracted), since going forward was deemed to be catastrophic. The pile-driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Tryg's site incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile-driving for SWLRT is planned.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific

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6 *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*

7 All of them are Category 2 receivers: "residences and buildings where people normally sleep."

8 *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6*

liability plan and budget should be included in the project cost estimates. There is a "contingency" line item in the budget, but it should be used for truly "unpredictable" costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.
Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later. Further study is needed of:

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

Mitigation
The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.
With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad.

Short term
The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.
The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the cost increase recently made public.
The cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario,

they will not require much remediation; in the worst case, they will become a Superfund site, requiring significant and expensive remediation.
We attempted to receive budget information that would indicate what amount of the increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in this corridor. The SW Project Office provided only the highest level of information, and indicated that they do not track the line items for things like soil remediation on a segment by segment basis, but only in total for the project.
We believe that remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects
Long-Term Direct and Indirect Economic Impacts

Further, the loss in property tax revenue due to the acquisition of privately-held land has the potential to be offset with increased property tax revenues, if the station areas within the affected city result in higher property values due to improved access and other benefits associated with the proposed light rail stations within the city limits. The loss of property tax revenue could also be reduced if the affected businesses relocate elsewhere within the affected city. Depending on the preferences of the owner, the project would work to relocate the five displaced businesses in this segment. All acquisitions made for the St. Louis Park/ Minneapolis Segment and all potential displacements and relocations of businesses resulting from those acquisitions would conform to the applicable federal and state laws. Businesses displaced by the project would receive compensation and relocation assistance, as discussed in Section 3.1.2.2 of this Supplemental Draft EIS.

As an indirect economic impact, there is also the potential for increased property tax revenues from the potential redevelopment of property around the proposed light rail stations within the Cities of St. Louis Park and Minneapolis. Improved transit access can increase the convenience and desirability of surrounding residential, commercial, and office properties. Light rail transit can contribute to existing market forces that can increase the potential for transit-oriented development or redevelopment.

Comment: CIDNA disputes the statement that SWLRT will positively impact property values, especially around the 21st St station and Channel. The current freight alignment in the Kenilworth Corridor is already a negative and permanent defect on property values, and this becomes magnified as a negative and permanent defect on properties along the line with co-location of SWLRT, which is precisely why some residents expressed this as a reason against co-location. The threat of a collision and derailment as such incidents gain increased attention in the news media will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Further, the increased noise, vibration, and light without the previously promised removal of freight rail is an exponential increase on aesthetic disturbance in the neighborhood, that in the past was well known for its park like feel and up north atmosphere and a truly special neighborhood in the city. The increased adverse effects of co-location will be a forever permanent defect to homes within earshot and sight of the line; auditory adverse effects would reach as far as Lake of the Isles Parkway based on the audible sounds of the current freight line, but as a much more disruptive cacophony of bells and horns versus the current "low rumble" of freight.

Further, while studies such as rtd-fastracks.com and others show that the access to light rail increase property values in high density, transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor is not representative of those attributes. The study mentioned, among others, shows that higher income and low density neighborhoods do not see the positive impact on property values and rentals, which are minimal in the area, as they do in lower to middle income neighborhoods that more regularly use public transit.

While the 1600 ride/day numbers has not been substantiated and is unrealistic, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing on street parking in front of their homes. This will create a parking lot feel to the low density neighborhood and be a detractor from potential buyers, negatively impacting home values.

Finally we do not support denser development in the area (with the exception of the W Lake Station area if land is available) nor would it be feasible on any meaningful scale due to the mature and stable nature of the neighborhood and any free space available. Any development would further denigrate the existing green space in the corridor, especially around the 21st St station which is the access point for the beach and trail access for the neighborhood.

Additionally, the negative economic impact on the entire "brand" of the City of Minneapolis by running a divisive, noisy, and environmentally unsound line through the crown jewel of "The City of Lakes" park area will forever cause a negative impact on tourism as the former serenity of the channel, lagoon and lake are disturbed with the imposition of Light Rail. The larger, more oppressive bridge will denigrate the current experience enjoyed by kayakers, walkers, bikers, etc. and cause tourists to leave the city to get that natural experience they currently enjoy.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

3.4.4.2 Roadway and Traffic

As summarized in Table 3.4-1, there would be three new at-grade light rail crossings of roadways within the segment (Wooddale Avenue, Beltline Boulevard, and West 21st Street). At each crossing, light rail operations would impede vehicular traffic for approximately 50 seconds approximately 12 times per hour (six times per hour in both directions).

CIDNA is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train which was originally to be removed, coupled with the light rail line, will exponentially impair access further. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS.

3.4.4.3 Parking

Indirectly, the LPA could affect the supply of and demand for off-street parking in the St. Louis Park/ Minneapolis Segment due to development new light rail station areas. Any development occurring within the segment would, however, be required to comply with the City of St. Louis Park's and the City of Minneapolis' parking requirements, which would tend to ensure a long-term balance of parking supply and demand.

CIDNA is concerned that there is complete disregard in the SDEIS for the impairment of on street parking availability in its neighborhoods for residents and their guests., as well as emergency access to those homes, especially in winter when streets are narrowed. CIDNA strongly opposes any park and ride lots as that would significantly impair the parklands and would not be compliant with Minneapolis city policy.

3.4.4.4 Freight Rail

Freight Rail Summary
• Light rail/freight rail Swap and Southerly Connection with some modified freight rail operations
• Remove approximately 11,771 feet of freight rail siding track segments in the Bass Lake Spur
• Temporary movement of the freight rail tracks during construction in the Kenilworth Corridor

This section provides a summary of existing freight rail operations in the St. Louis Park/Minneapolis Segment and how the proposed LPA could impact those operations in the long term and short term. In addition, mitigation measures addressing adverse impacts to freight rail operations are identified.

As summarized in Table 3.4-1, the LPA would result in the light rail/freight rail Swap and Southerly Connection, with some modified freight rail operations; the removal of approximately 10,375 feet of freight rail siding track segments in the Bass Lake Spur; and temporary movement of the freight rail tracks during construction in the Kenilworth Corridor.

A. Existing Conditions

This section describes the existing freight rail ownership and operators in the St. Louis Park/Minneapolis Segment.

Exhibit 2.3-4 illustrates the existing freight rail ownership and operators in the St. Louis Park/Minneapolis Segment. In summary, CP owns the Bass Lake Spur, on which TC&W currently operates freight rail service. The Bass Lake Spur directly connects to the HCRRA-owned Kenilworth Corridor, on which TC&W trains operate, before connecting to the BNSF-owned Wayzata Subdivision. The Bass Lake Spur also connects to the MN&S Spur via the Skunk Hollow switching wye (illustrated on Exhibit 2.5-5). The switching wye provides freight rail access to the Robert B. Hill Company salt facility at the west end of the switching wye, which is the only business in the St. Louis Park/Minneapolis Segment that receives direct rail service. The switching wye also allows CP and TC&W trains to connect between the Bass Lake Spur and the MN&S Spur, which is also owned by CP.

TC&W railroad operations have changed since the Draft EIS (refer to the Freight Alignment – Traffic Impact Evaluation Memorandum; Kimley-Horn and Associates, Inc., 2013; see Appendix C for instructions on how to access this report). Currently, TC&W typically operates 14 weekly trains (about two per day) with 65 to 75 cars and 5 to 6 unit trains (currently no more than one per day) with approximately 80 to 125 cars per train. CP operations remain unchanged from the Draft EIS, with 10 weekly trains with one to two locomotives and 10 to 25 trains per car.

Response:

The SDEIS states the need to develop and maintain a balanced and economically competitive multimodal FREIGHT rail system as justification of the project. However freight was never supposed to be included in the LPA, and why does colocation further justify this project when it was to be a LRT only project. The SDEIS never looked at alternative transit modes for serving the southwest suburbs with the consideration of colocation, but only under the consideration of both the location of SWLRT to Kenilworth and the relocation of freight to some other corridor. From the beginning, the project's process was flawed. All of the Met Council's environmental studies assumed freight rail would be relocated out of Kenilworth. Now the Met Council is proposing freight rail remain in Kenilworth and be co-located with LRT. We are taking a temporary situation that was supposed to go away (freight) and making it permanent.

Historically, the Original Project Scoping Report stated that "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the Scoping Report to include freight rail. When the Locally Preferred Alternative (LPA) was selected in 2009-2010, under the assumption that freight rail would be re-located and that LRT would run at-grade in Kenilworth, the costs and concerns of relocation were not addressed in either the scoping report or the later DEIS. In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until SWLRT came. All along, this promise was made to Minneapolis and the Cedar Isles Dean and Kenwood neighborhoods. Now, the proposal would make this permanent. Hence, SWLRT DEIS or SDEIS never did a true alternatives analysis using the assumption of colocation.

Prior to colocation, there was no active community groups fighting SWLRT, until colocation was forced upon the SWLRT design. The Kenilworth community, has actively fought against the colocation of freight and LRT since the summer of 2013 when it was introduced. Since then, our education on the risks of colocation have been eye opening.

The Municipal Consent process has been designed so that once a project's elements and impacts are known, public officials can make informed decisions. However, since freight COLOCATION with LRT and tunneling was never part of the original LPA and subsequent DEIS, municipal consent was given without foreknowledge of the risks to both community and environmental safety. Now the SDEIS is similarly devoid of important human and environmental safety information around colocation of freight and SWLRT.

The SDEIS, triggered by the addition of colocation and the necessity of building a tunnel through the Kenilworth Corridor, is remarkable more for what is **not** included than what is included. The absence of substance is reflective of a long process of well intentions that have been poorly planned and executed and which does not bode well for the long term success of this process. These sins of omission, where substantive real issues remain unexamined is especially present in the environmental section dealing with freight and the later section dealing with safety. The SDEIS, appears to be largely a rehash of the DEIS with no additional substantive issues around colocation dangers and safety, and its absence in the SDEIS contains a silence that is deafening. The SDEIS never answers the most important question, which is 'why colocation?' The SDEIS contains nothing about routing alternatives, or the reasons why this route

was chosen with colocation. It contains nothing about substantive safety concerns of colocating high hazard freight feet from LRT construction and later LRT trains. The story of colocation is important to the process because it reflects planning that has been and continues to be haphazard and blind.

The history of SWLRT colocation has resulted in many community members becoming expert activists. Nationwide, there has been a radical change that is occurring in high hazard freight, with community awareness of these 'bomb trains' running through our towns and cities. High hazard trains have long run through our communities, but never with the frequency nor the amount of dangerous materials being hauled, and Kenilworth corridor is a high risk evacuation blast zone were a high hazard freight derailment to occur. Running these trains through any populous areas is undesirable and puts many in the "blast zone", running 1/4-1/2 mile on either side of the track, and Kenilworth has this problem as well. (See Claire and Dave's Map).

The original DEIS did not recommend colocation because of adverse environmental and safety impacts. In fact, the recently released SDEIS only talks about the effects of LRT on freight rail (mostly economic impacts to minimize time lags on freight during construction), not on the environmental and safety effects of colocation of freight and light rail through the corridor.

Freight railroads have radically changed since the reintroduction of freight into the Kenilworth Corridor. The federal mandates on ethanol, the running of unit trains carrying single high hazard products, and the use of much longer trains has increased freight safety concerns. TC&W currently is the only engineer that is allowed to take trains through the corridor, but can connect to any other carriers to take those trains through, and currently partners with Canadian Pacific to carry their products through Kenilworth. Federal rail policy requires that the interests of freight rail operators and shippers be considered in the development of passenger rail service. In order to provide elected officials, policy makers and members of the public with current, factual and supportable information about the impact of TC&W and its operations, TC&W commissioned a study in 2013. According to this report by Klas Robinson, 'in 2012, TC&W hauled over 2.4 million net tons of goods, traveling more than 2.1 million net ton miles on behalf of its customers. 'TC&W provides rail service to numerous companies in Minnesota and neighboring South Dakota, hauling such diverse products as corn, soybeans, wheat, sugar, vegetables, ethanol, crushed rock, metals, plastics, potash, fuel oil, distillers oil, machinery, lumber, manufactured goods, propane and fertilizer, including anhydrous ammonia'. Ethanol, propane, fuel oil and fertilizers are all high hazard products. Distiller's oil, and potash are also flammables. Exposure to even small amounts of anhydrous ammonia can cause serious burning of the eyes, nose, and throat. Exposure to higher levels causes coughing or choking to occur and can cause death from a swollen throat or from chemical burns to the lungs. A single tanker car of anhydrous ammonia can put hundreds or even thousands of area residents at risk in case of derailment and breach. When the eyes are exposed to concentrated gas or liquid anhydrous ammonia, serious corneal burns or blindness can occur. In general, the severity of symptoms depends on the degree of exposure.

Through 2012, 'customers of Twin Cities & Western Railroad Company and its affiliates shipped more than 23,400 cars, including almost 17,700 cars on TC&W and over another 5,700 cars on a short line railroad that uses TC&W to reach the Twin Cities'. That number continues to expand annually, with 'the number of monthly cars shipped on TC&W during the first four months of 2013 significantly higher than for the same periods in each of the three prior years – almost twice that of first quarter 2012 (94.0 percent greater), almost 40.0 percent higher than first quarter 2011 and 70.0 percent greater than first quarter 2010'.'Annual sales for the 20 largest TC&W clients range from almost $3.0 million to more than $400.0 million with estimated combined annual sales of almost $4.0 billion, more than 37.0 percent of which are shipped via Twin Cities & Western Railroad Company – which equates to almost $1.5 billion in client goods shipped via TC&W annually'. As the economy has improved since the recession of 2008, we can expect that the number of train cars and the frequency of trains will increase. According to the Minnesota

Department of Agriculture, between 2000 and 2011, ethanol production in Minnesota increased by over 5 times and each subsequent year has continued this trend. With the nation-wide federal mandate to double (increase ethanol in gas to 20%), we can also expect the production and transport of these high hazard products through the corridor to radically increase. It is clear that the TC&W that was temporarily reintroduced in the corridor in 1998 is not the TC&W that runs through the corridor now.

According to TC&W, they 'have Class I rail connections to Canadian Pacific, Union Pacific, BNSF Railway and Canadian National, reaching markets in 39 U.S. states, seven Canadian provinces and four Mexican states'. Their network would potentially allow them to carry anything including nuclear products, Bakken Oil, anhydrous ammonia, chorine, etc….. Common Carrier freight legislation requires that shippers (currently TC&W and CP) carry anything that their customers demand. Additionally, at any point, TC&W could sell their company to one of the major railroads, like BNSF, which could generate 10 times as much traffic and hazardous materials into the corridor.

Safety of freight trains is controlled by the Pipeline Hazardous Materials Safety Administration (PHMSA). Historically, standards have been lax, prioritizing commerce over safety and the environment. Recently, after public pressure, PHMSA has toughened safety standards for most railroads. However, TC&W, which is a Class III rail carrier (short lines with lower revenues), has been and continues to be exempted from certain safety standards that guide more profitable and larger Class I and II railroads. Ethanol is carried in the now infamous DOT-111s and will not be banned, according to PHMSA for another 5-7 years. Railroads have lobbied heavily to remove current and future regulations on them to maximize their profits, including recently passed breaking mechanisms on the hazardous cars. They have lobbied to go from two person crews to one or two person crews. The push of freight railroads to migrate from two person crews to one person operators (pending legislation in US House mandating two operators was introduced last year but went nowhere due to strong RR lobbying). A single point of freight operator would reduce safety due to overload, fatigue, etc. And railroads have fought to delay the introduction of safer double hulled tanker cars and to continue to carry their hazardous cargo in dangerous substandard DOT-111 freight tanker cars. Freight infrastructure has suffered, and nearly all derailments are due to substandard equipment, track failure or operator error. Some new PHMSA standards that attempt to improve safety of hazmat freight may not even apply to TC&W due to their small Class III status. Class III railroads also have less money to invest in infrastructure, and it is clear that this railroad has infrastructure issues, experiencing a derailment in 2010. Despite replacement of rails to single weld track in 2012, TC&W still suffers from infrastructure issues, like rotting cross ties, missing rail plates and missing rail spikes which hold the rails in place. From May 2015 to July 2015, potholes have bordered the track at Kenilworth crossing, and have went unfixed despite calls to TC&W and MNDOT.

The FRA estimates that there will be at least 10-20 oil or ethanol derailments per year going forward. Nationwide, we had over 7000 train derailments of some kind in 2014. These concerns are not just theoretical.

The mix of commodities that TC&W carries has changed over time, with approximately 30% of TC&W's freight being ethanol. It has only been in the last 5-10 years that unit trains of a single commodity have been a common occurrence. Prior to that, manifest trains, carrying a variety of commodities was much more common. Unit trains of 100 cars of ethanol, a highly flammable product, daily traverse the corridor. Through the planning process, the Met Council repeatedly told us that the primary products in Kenilworth were agricultural, which sounds innocuous. While ethanol may be an agricultural byproduct, it is highly dangerous. According to Karl Alexy of the FRA, ethanol is more dangerous than most crude oils, with a lower ignition point, and higher explosivity potential. Its Hazard Packing Group rating (II) is higher than most crude oil (because of its explosivity potential). For oil, only Bakken Crude matches its danger due to a high level of byproducts added to Bakken oil and its consequent instability. Ethanol burns hot enough to

melt steel structures (3488 °F). The melting point of steel is 2795 °F. The freight through Kenilworth currently runs feet from bridges and high rises that would be vulnerable in the case of a derailment.

Of great concern are the waivers requested by the Met Council from the FRA to put jurisdiction of the colocated corridor under FTA with the FRA abdicating jurisdiction. The combination of placing both modes of transport which have radically different missions in the same corridor is highly problematic, particularly with such close proximity. The FRA seems to be abdicating jurisdiction, except for five named at-grade crossings where both freight and LRT cross together, and even here the Met Council could apply for a crossing waiver.

The existence of freight alone is of great concern to residents along the Kenilworth Corridor. But the construction of SWLRT running right next to high hazard freight is of particularly alarming concern to residents.

B. Potential Freight Rail Impacts

This section identifies the potential long-term and short-term impacts that would result from the changes to how the LPA would change the freight rail movements within the St. Louis Park/Minneapolis Segment.

Long term direct and Indirect Freight Rail Impacts

This section describes the long-term direct and indirect freight rail operation impacts in the St. Louis Park/ Minneapolis Segment. Proposed modifications to existing freight rail facilities within the St. Louis Park/ Minneapolis Segment are described in Section 2.5.3 of this Supplemental Draft EIS. The proposed LPA would generally result in no changes to existing freight rail operations because all segments of existing mainline freight rail track would remain unchanged, except for relatively minor modifications to some track to accommodate the construction of the proposed light rail line. This includes construction of the Southerly Connection between the CP Bass Lake and the MN&S spurs (see Section 2.5.3 and Exhibit 2.5-5 of this Supplemental Draft EIS for additional detail) to replace the existing Skunk Hollow switching wye to allow continuation of freight in that section of the corridor. While this would change the geometry of the freight rail alignment for the movement of freight rail between the Bass Lake Spur and the MN&S Spur, it would not result in substantial long-term impacts to freight rail operations.

In addition,the LPA would result in the removal of 11,771 feet of siding along the CP Bass Lake Spur, eliminating the backing of freight trains at the Woodpile Avenue crossing that occurs under exiting conditions. The removal of the siding tracks would be negotiated with the freight rail owner and operators, which could include negotiated compensation for adverse effects to their operations. No indirect effects to freight rail transportation are anticipated.

Long term freight Response

Hazardous freight is a nationwide problem seeking a solution. Throughout the planning process Kenilworth was chosen as the LPA with the intention to move the freight out of the corridor. The existing situation in the Kenilworth with freight only is already problematic. The addition of LRT in a corridor that does not meet the minimum AREMA safety guidelines of 25 feet separation center to center rail is untenable. In fact AREMA recommends a 200 foot separation as optimal. Many will say that across the nation, we have corridors that contain both freight and passenger trains that are in narrow corridors that do not meet minimum safety standards. However, our increasing awareness of freight danger has meant

that going forward, communities are much more exacting on safety standards and meeting those minimum AREMA guidelines. In fact, in no other project currently under construction can we find a project that won't meet at least the minimum 25 foot grade separations that this project long term will not meet.

The multiplicative risks of running freight next to LRT are unmentioned in the SDEIS, even though we know that the majority of freight or LRT derailments are either track failures or operator error. There is absolutely nothing in the SDEIS that deals with an evaluation of risk or readiness of dealing with a derailment, especially of a high hazard product.

LRT catenary wires that regularly spark off the pantographs will run, in some places 10-15 feet from freight. In 2014 alone, FRA reported 43 ‘accidents’ in the US related to pantographs. Even with the eventual placement of crash walls, catenary electrification runs immediately adjacent to highly flammable unit trains (80-125 tanker cars) of ethanol. Ethanol is vulnerable to ignition by electrostatic charges and has a higher ignitability than most forms of crude oil. It burns hot enough to melt steel structures and substructures. Ethanol vents at the top of trains will run closest to those electric wires.

TC&W and C&P trains use DOT-111 tanker cars. These trains carry ethanol, fuel oil, propane, fertilizers (including anhydrous ammonia), distillers oil, and potash regularly traversing the Kenilworth Corridor. These old generation tanker cars have single hulls prone to thermal tears and punctures, and leaky valves. They are more likely to tear or puncture than newer generation replacements like the double hulled DOT 117s. The National Transportation Safety Board (NTSB) discovered problems 24 years ago with DOT-111 tankers but USDOT did nothing. In 2012, the NTSB called for an immediate ban on using these tank cars to ship high hazard products like ethanol and crude oil because they are prone to punctures, spills, fires and explosions in train derailments. Two in three tank cars used to transport crude oil and ethanol in the U.S. are DOT-111s, yet the DOT has taken no action beyond issuing a safety advisory urging shippers to use the safest tank cars in their fleets to the extent feasible. Only recently has PHMSA come out with new regulations to replace these dangerous tankers over a 6 year time period. However, the rule defines and applies to “high-hazard flammable trains” (HHFTs) as a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed through a train, making it certain that single hulled DOT-111s trains will continue through Kenilworth for years to come.

Another serious concern with freight is the misclassification of rail car. PHMSA first launched Operation Classification in the summer of 2013, in response to increased activity in the Bakken region. Initial testing has revealed that 61% of high hazard oil was misclassified. Sometimes the train manifest may not actually reflect what is being transported by the freight.

According to the Department of Homeland Security, high hazard train tankers are vulnerable to terroristic threats. The proposed SWLRT will run adjacent to freight through St. Louis Park and Kenilworth Corridor all the way into downtown where it will join Northstar Commuter rail in tri-location, until it stops at the Target Station. HHFTs have been coined 'bomb trains' by many, and this tri-location terminating at the Target Station is concerning. The Department of Homeland Security identifies places like the Twins Stadium and the Target Station as high value targets vulnerable to terrorism. The colocation of freight and passenger trains carrying 10,000 thousand tons of highly combustible products underneath the Twins Stadium and to the Target station is a disaster waiting to be prevented. Were high hazard freight not running through this corridor as was originally envisioned with relocation of freight, then the concerns of terrorism would be diminished. However, tri-location of high hazard freight, Northstar commuter trains and SWLRT near to and underneath theTwins Stadium to the Target Station is planning gone awry. If we believe that terror groups are unaware of these high value target vulnerabilities in our system, we are likely sadly mistaken. Where tri-location of high hazard freight, Northstar and

SWLRT will run under the Twins Stadium and to the Target Station, the SDEIS contains no acknowledgement of these multiplicative risks or of risk readiness.

In fact, the SDEIS does not contain one word acknowledging high hazard freight through Kenilworth. There is evidently no safety plan should an ethanol or other hazmat freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

Hennepin County, the Met Council and the State of Minnesota have little power going forward in determining whether or not TC&W's model of business increases. They also have no ability to stop TC&W should they choose to sell. These risks to this corridor are likely to only increase as federal mandates to increase the mix of ethanol from 10% to 20% in gasoline mixtures are initiated. TC&W could choose to sell, likely to BNSF, who could make this an extremely busy corridor which would transport an even more numerous mix of hazardous chemicals. Common carrier obligations mean that TC&W must carry whatever their shippers desire (for example anhydrous ammonia, chlorine…, where a single car derailment could kill hundreds or even thousands).

Heavy freight causes vibrations that can travel through the ground. Long term damage from vibrations of heavy freight to LRT structures and vice versa raise concerns long term, and going forward. As a nation, we prefer new projects to taking care of existing infrastructure, where the state of our current freight rail infrastructure is poor, even along the Kenilworth Corridor. Vibrations are also affected by the ground substructures where water logged soil tends to increase those vibrations. Problems with ground – borne vibration and noise are common when there is less than 150 m between the railway track and building foundations, and here the LRT will run within 1.5 feet of the Grain Silo Condos. Long term damage to LRT infrastructure from heavy freight vibration within feet of buildings is highly problematic for both noise, vibration and for property damage. This will be multiplied by the addition of LRT, running adjacent. Whether the problem will be perceptible vibration or audible noise is strongly dependent on local geology and the structure details of the building.

The SDEIS does not explore Met Council liability if SWLRT or freight derails causing a train catastrophe. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This insurance liability assessment should be done prior to building SWLRT. Who will pay for life lost and or property damage?

Short-Term Freight Rail Impacts

This section describes potential short-term freight rail operation impacts caused by construction of the LPA. Constructing the LPA would have some effects on freight movements in the corridor that would be temporary in nature.

Construction of the proposed south light rail tunnel in the Kenilworth Corridor would require the temporary movement of the freight rail alignment at various locations along the Kenilworth Corridor. The shift would be about 2 to 3 feet to the northwest and would facilitate construction of the proposed light rail tunnel. During the time when the freight rail tracks are shifted to a temporary location, freight rail operations would not be obstructed, discontinued, or slowed. Instead, light rail construction would be stopped by a flagger, and the workers and machines would be moved away from the track whenever a freight train comes through the work area. The cost of the flagging operation for labor and equipment delay would be borne by the project. Despite this, the freight rail operator might choose to continue to travel through the corridor at lower speeds based on its operating procedures. During this reconstruction period, the freight track would be

maintained for a maximum 25-mph track speed, which is the existing condition. However, the TC&W has agreed to hold speed to 10 mph within the Kenilworth Corridor, their existing operating speed at that location (see Section 3.4.3.B of this Supplemental Draft DEIS for additional detail).

Short term freight comments

Similar comments to long term safety exist for short term safety issues, but multiplied many times. Tracks are separated by less than 25 foot AREMA guidelines, as close as 11-12 feet. During construction, the dangers to the community will be much higher due to the fact that freight, particularly hazmat freight, will continue through the corridor. The plan to use flaggers will mean that freight, which will get priority during construction, will stop LRT construction workers while freight passes. During construction a 35 foot wide (upon completion) and 25-35 foot deep trench with pilings to around 50 feet will be constructed. The freight will run right next to this construction pit at a time when the corridor will be filled with construction workers and construction debris. The freight will be allowed to pass and the construction will resume. At this point, there will be no crash walls.

The track geometry at the narrow points through the corridor do not seem to align with any kind of safety standards that are logical. The corridor at the narrowest point is 59 feet at the pinch point. This point runs between the historic grain condos on the east and the red town homes to the west side. The SDEIS states that they will move the freight tracks 2-3 feet closer to the red condos. The tunnel trench will be dug at the base of the grain tunnel within about 1-2 feet of the footings of that building. There will be a buffer between the red condos to the east of around 22-24 feet and the freight train is about eight feet wide (35 feet wide + 2 feet + 24 feet + 8 foot wide freight train = 69 feet). This math does not inspire confidence in the safety of the construction zone. This will mean that during construction, freight will run through a construction zone with construction workers and debris with **no crash walls** at literally the edge of a 35+ foot construction trench carrying high hazard freight including ethanol, fuel oil, and fertilizer with NO crash walls. Plus under common carrier obligation, TC&W or CP must carry whatever else their shippers ask them to carry and we may or may not know what these trains are actually hauling. That train is literally, at the edge of that construction pit, and construction will take two years to complete. Two years with no crash walls to prevent that train from falling into that construction trench. If there were a derailment, that freight train would fall into that construction pit one after the next in a spectacular domino type fashion that would certainly lead to an explosion at the foot of the oldest most historic 12 story grain tower condo in Minneapolis filled with residents, and next to town homes whose beds may be less than 20 feet away. High Hazard ethanol freight can melt steel structures. People live their lives in those condos every day, and people are put into harm's way because of colocation.

Construction by its nature disturbs the safety of freight by disturbing those freight tracks and infrastructure. When soil is disturbed, its composition will effect its stability. The composition of the soil along the Kenilworth is between the chain of Lakes and where the water table is high. The geometry of constructing a tunnel in boggy soil immediately adjacent to active hazmat freight raises the risk of derailment.

It is also important to point to the poor condition of freight rail infrastructure currently which increases risk for a short term freight derailment both during and after construction. From late May through July, two pot holes painted pink at Cedar Lake Parkway freight crossing measuring as deep as 6 inches have remained unfilled despite being reported to DOT and to TCW. In 2010, there was a derailment by a TC&W train and the track through Kenilworth was replaced with a single weld safer track. However, rotted freight ties were not replaced at that time, nor were rail plates and spikes uniformly repaired. Currently, there are rail ties that are completely rotted out, missing rail plates that hold the ties to the rails and many missing rail spikes. Why these were not replaced when the single weld rail was replaced is an

indication of poor maintenance and concern of both short and long standing freight infrastructure problems.

The construction corridor will be littered with construction debris which will heighten the risk of derailments. Derailments are caused by operator error or track failures, including track impediments. Construction can displace the supporting structures that bolster rail, and although engineers can try to bolster the structures through shoring, there will be nothing to stop a train once it begins to tip into that construction pit. Tip guard rails have been suggested as a solution (not is SDEIS), but can build up with snow and actually cause derailments. With snow build up, the snow pack buildup can launch the train right off the rail.

Nightime running of freight (also not in the DEIS, but mentioned to Mark Wegner by the SWLRT staff) will be perhaps even more dangerous than day time. People will be asleep in their beds as these trains run only feet from a construction trench. Construction debris may be left near or on tracks and may not be visible to the freight engineer conductor at nighttime. Final day inspection of track is an imperfect science and human error could easily miss track impediments.

Inclement weather like snow may mask destabilization of freight infrastructure and rain can washout surrounding already disturbed soils, increasing the derailment risk during construction.

Additionally, if a derailment were to occur during construction, access to fire safety equipment is extremely limited because of the geometry of the corridor - in some places, the only access is between people's homes and/or through their driveways. In the event of a derailment occurring during construction, the only access for fire trucks may be from West Lake Station, 21st or Cedar Lake Pkwy. Fire equipment must be accessible in case of a derailment emergency, and an in depth coordination between the fire department, Met Council engineers, and the citizens has not been done. It is not even addressed in the SDEIS.

In case of any chemical freight derailment, chemical fires must be fought with specialized foam products, usually some sort of foam specific to the chemical spill. These fires can not be fought with water, which can actually worsen a fire. Water can be used to cool rail cars that have not ignited, but foam is necessary to put them out. Limited foam is available at stations, but for many freight derailment fires, it can take 2 hours or longer to access the necessary quantity of foam to fight a chemical derailment fire. As an aside, Dave Christiansen, an expert advisor to the SWLRT project misinformed a group of concerned residents, saying the ethanol can be fought with water and that ethanol does not burn hot enough the melt steel, both of which are patently false. Dave Christianson has been an adviser to the SWLRT project.

According to TC&W freight president Mark Wegman, there had only been one planning meeting as of June 2015 with SWLRT project staff to discuss issues of joint construction concern. This seems short-sighted. These are issues of such great import to our community and the community has repeatedly been told that the Met Council and SWLRT project staff have everything in control.

The SDEIS does not explore Met Council liability either during or following construction if SWLRT or freight derails causing a train catastrophe. Construction may put insurance waivers in place requiring specific insurance to be purchased guarding against life or property loss to the community. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. This assessment should be done prior to building SWLRT.

Currently, TC&W reports that they go 10 miles/hour through the Kenilworth Corridor, but this is voluntary, and not mandated. Residents believe they often go faster than the speed they claim, and during construction, any speed may have devastating consequences. Derailments can happen at any speed. Going

forward, the company may choose to sell their company or increase that speed. The necessity of slow freight even without LRT construction is critical, but with construction the danger becomes critical at any speed.

C. Mitigation Measures

No long-term impacts to freight rail transportation in the St. Louis Park/Minneapolis Segment are anticipated. Therefore, no long-term mitigation measures have been identified.

In order to mitigate short-term impacts to freight rail operations related to construction activities, the Council will develop and update a freight rail operations coordination plan. The purpose of this plan is to facilitate coordination between the project and the freight railroads throughout the construction period in order to minimize impacts on freight owners and operators without creating unreasonable constraints during construction of the LPA. Freight rail owners and operators in the project area will approve the coordination plan, prior to the start of construction. As part of the effort, Council staff will also work with the freight railroads to provide provisions in the construction contract to identify how the contractor will interact with the railroads. Further Council staff will work with the freight railroads to sequence construction to minimize effects on freight movements and to identify optimal periods for closing the rail service and reducing speeds.

During construction activities, flaggers will be used to allow freight rail operations to continue without interruption, except for the following proposed activities and durations:

- **Four- to eight-hour stoppage when completing the freight rail track swap**
- **Two-day (likely over a weekend) stoppage for MN&S and TC&W trains for turnout construction for the new southerly connection to MN&S tracks**
- **One-day stoppage to shift the bridge over Highway 100 from its location along the current alignment to a location north of the light rail mainline**

Dates and times for all stoppages will be determined by CP, the owning railroad for the Bass Lake Spur, and HCRRA for the Kenilworth Corridor. TC&W will also be coordinated with, as the freight rail operator on the Bass Lake Spur and Kenilworth Corridor. The use of flaggers will require construction activities to halt while freight trains traverse the construction area at regular speeds. Other construction activities will include shifting the existing track into a temporary location (two to three feet to the north/west) to allow for construction of the proposed light rail tunnel. This shift would be gradual, and is estimated to take approximately a week to shift the tracks and another week to shift the tracks back after the light rail tunnel is complete. Coordination between the contractor and the railroads will assist in minimizing disruptions and planning for the expected shutdowns to occur at times that would cause the least impact on freight rail operations. More detailed information on the impacts on freight rail carriers will be identified as construction plans are developed. The Final EIS and freight rail operations coordination plan will include details regarding construction sequencing, schedule, means, and methods.

Response to mitigation measures

It is difficult to respond to this section surrounding freight since no problems with colocation have even been acknowledged in the DEIS. There is no real analysis of the effects of colocation and the danger of running high hazard freight through the Kenilworth Corridor both during and after construction, and in an area that does not meet minimum AREMA guidelines of 25 feet grade seperation. This SDEIS is astounding more for what it does not contain than what it does. The mitigation discussed is more concerned for making sure that the freight schedule is unimpeded than for assessing the safety of

neighborhood residents, construction and freight personnel, or future SWLRT riders. The only solution to mitigate this problem completely is to do what was promised for the residents of Minneapolis. That is to go back and relocate freight trains out of this corridor. Minimally, during construction, high hazard freight MUST be diverted from the corridor. The wisdom of running high hazard freight both during construction at the edge of a potentially unstable water logged construction trench without crash walls, and after when potentially leaky ethanol or other hazmat tanker cars will run adjacent to sparking pantographs is extremely concerning.

No-tip guard rails for freight have been proposed for the Kenilworth Corridor, although not in the SDEIS. In a meeting with Mark Wegner of TC&W, he shared his concerns with community members about the build up of snow that can actually lead to freight derailments. They tend to build up snow increasing risk of freight literally sliding off the rails. However the importance of no tip technology in a corridor where trains run for significant times less than 25 feet apart and during construction of a tunnel 25-35 feet deep running immediately adjacent to high hazard freight leaves us in a bind. We both need it to protect us from freight falling into a construction tunnel but also are concerned that it may actually promote a derailment.

Long term, mitigation of crash walls is important between freight LRT is important, but short term, without crash wall, ALL hazardous or flammable freight should be rerouted out of the corridor until proper safety crash walls are present.

With the recent budget shortfalls for SWLRT, we are concerned that mitigation around freight and freight safety will occur. The SDEIS states the need to develop and maintain a balanced and economically competitive multimodal FREIGHT rail system as justification of the project. That the SWLRT project is now intended to further develop a freight rail system, needs further explanation. It is not in the original scope of the project and has been snuck in to the SDEIS, but is confusing and unclear. The DEIS specifically did not recommend Colocation of freight and LRT. The bottom line is that there should be no COLOCATION as was recommended and promised in the first DEIS.

We have been told that these issues will be dealt with as they arise but the freight section of the SDEIS indicates that there is not even an awareness of the danger and concern to area residents or long term to SWLRT passengers.

3.4.4.5 Bicycle and Pedestrian

Because there would be no long-term adverse impacts from the LPA on bicycle and pedestrian facilities, no long-term mitigation measures have been identified. Short-term effects on pedestrian and bicycle routes will be mitigated through signage, information fliers, website postings with maps of construction areas/detours, and notices placed at bicycle shops, for example.

At last measure, our understanding is the trails receive 600,000 discrete unique visits per year and those visits to current parkland are enhanced by the current “north woods” feel of the area, and that experience would be significantly impaired by the addition of light rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users.

3.4.4.6 Safety and Security

Long-Term Impacts

The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Short-Term Impacts

Currently, rush hour traffic produces daily gridlock that sometimes extends from Lake Street, along Dean Parkway, Cedar Lake Parkway, Wirth Parkway, and Wayzata Boulevard (frontage road along I-394) all the way to the Penn Avenue bridge. The closing of a critical crossing (Cedar Lake Parkway at the Kenilworth Trail) would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period, including routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.)

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction.

Our neighborhoods were recently impacted for upwards of a year by a Met Council sewer-replacement project, with road closures (of which we were frequently not informed) and detours. Now we understand that the sewer project would need to be completely re-done as part of the SWLRT tunnel-building.

3.7 Safety and Security

3.7.2 Existing Conditions, page 3-129

Public safety and security within the study area is provided by the police departments, fire departments, and emergency response units of the cities of Eden Prairie, Minnetonka, Hopkins, St. Louis Park, and Minneapolis. Emergency medical services are located in each city.

Primary safety concerns associated with the freight rail relocation segment of the proposed project, as expressed by the community, are derailments, chemical spills, the accessibility and safety of pedestrians (particularly near schools), and vehicular and traffic safety at grade crossings.

Comment : Please note that residents near the Kenilworth Corridor are equally concerned about such issues as derailments, chemical spills, pedestrian and cyclist safety, and traffic safety.

3.7.3.3 Safety – Long Term Effects - Build Alternatives, page 3-131

The project would be designed in a manner that would not compromise the access to buildings, neighborhoods, or roadways, and would not compromise access to the transitway in the event of an emergency.

Addendum: CIDNA's Position Statement on Freight Relocation for SWLRT

The following resolution, passed by the CIDNA Board of Directors on February 8, 2012, concerns the co-location of the freight rail and SWLRT which is currently under study by the Minnesota Department of Transportation, HCRRA and the Metropolitan Council and asks that co-location be denied on behalf of the adjoining neighborhood.

Resolution

Whereas, this request on behalf of the adjoining neighborhood is based on the earlier assessment prepared by R.L. Banks and Associates issued December 2010 which includes a letter of Dec. 3, 2010 to Ms. Katie Walker, Transit Project Engineer. It states the minimum space requirements for co-location of the freight rail and SWLRT. It concludes that there is insufficient space within the existing ROW to accommodate both freight and LRT at grade in the Kenilworth Corridor. To have freight rail and LRT co-locate at grade, it would be necessary to take property on either the west side or the east side of the existing ROW (right of way) even if the LRT alignment is shifted from its planned location.

Whereas, that report also contains a listing of seven scenarios that are injurious to the bicycle path, requirement of the acquisition of 33 to 57 housing units which would disrupt an entire townhouse community or acquisition of 117 housing units as well as other alternatives that would create noise and aesthetic impacts and other environmental impacts.

Whereas, the overall negative effect on the adjoining neighborhoods and park system would be detrimental to the environment.

Now Therefore, the CIDNA Board requests that the co-location of the freight rail SWLRT on the Kenilworth Corridor be denied.

From: Cathryn Konat
To: swlrt
Subject: Comments on SDEIS from LRT-Done Right
Date: Tuesday, July 21, 2015 2:16:18 PM

I want to state my endorsement of the comments submitted by the LRT-Done Right in response to the SDEIS. This response represents thousands of hours of work done by neighborhood volunteers. It is my hope that you will read their comments with careful consideration.
Best,
Cathy Konat

--
Cathy Konat
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Comment #148

Kenwood Isles Area Association

Southwest Light Rail Supplemental DEIS response

July 20th, 2015

Introduction to SDEIS Comments by the Kenwood Isles Area Association

The Kenwood Isles Area Association (KIAA) represents the neighborhood that extends, on its west side, from the proposed SWLRT Penn Avenue station to the Kenilworth Lagoon.

KIAA has participated in the SWLRT planning process in the spirit of cooperation and compromise for approximately nine years. For most of this time, we were assured verbally and in planning documents that freight rail in the Kenilworth Corridor was a temporary condition and would be moved to make way for LRT. The 2012 Draft Environmental Impact Statement clearly recommended that the best course of action was to relocate freight out of the Kenilworth Corridor.

This position was reversed in 2013, and the Metropolitan Council's policy is now to "co-locate" freight and light rail in the Kenilworth Corridor. We consider this a significant breech of public trust and the low point of a deeply flawed planning process.

The current Supplementary Draft Environmental Impact Statement is partly intended to assess the impact of co-location in the Kenilworth Corridor. It fails to do so on many levels, summarized in the two following points:

First, it considers the *temporary* freight rail part of the existing condition. Freight rail service that runs through the corridor will be both upgraded and made permanent; this is a *new* project that needs a full analysis. Because new *permanent* freight infrastructure is being added to the corridor, all visual, noise, vibration, safety and other environmental impacts should be measured from a basis of no freight and no light rail.

Second, this SDEIS is silent on the safety implications of locating freight trains carrying hazardous materials through an urban environment within feet of homes, parks, trails, passenger trains, and live overhead electrical wires. The new and serious impacts created by this situation will continue to grow as transport of oil, ethanol and other volatile materials expands and freight trains grow longer.

When Hennepin County and the Met Council chose the present route for SWLRT between the Chain of Lakes through the Kenilworth Corridor – and included "co-location" making the temporary freight rail permanent – they accepted the responsibility to respect the natural and built environments that it travels through as well as the people who bicycle, walk, recreate, and live there. KIAA does not see evidence that this responsibility has been taken as seriously as necessary and the following pages, which respond to specific elements of the SDEIS, articulate some of the reasons why.

3.4.1.2 Acquisitions and Displacements
B. Potential Acquisitions and Displacements Impacts

Comment: In Short-Term Acquisition and Displacement Impacts, the Council states "[s]hort-term occupancies of parcels for construction would...change existing land uses" including "potential increases in noise levels, dust traffic congestion, visual changes, and increased difficulty accessing residential, commercial and other uses." The Council should say what the plans are to mitigate these effects for residents and businesses. Most important, how will prompt emergency fire, medical and police access be maintained?

In Short-Term Acquisition and Displacement Impacts, the Council discusses plans for remnant parcels without acknowledging its commitment with the City of Minneapolis in the Memorandum of Understanding. The MOU documents the Council's agreement to convey property they own or acquire from BNSF or HCRRA in the Kenilworth Corridor that is not needed for the Project or freight rail to the Minneapolis Park and Recreation Board for use as parkland. Please see:
http://metrocouncil.org/METC/files/f7/f7d41cfb-a062-46c7-942d-0785989da8a0.pdf.
In the case that the MPRB decides against owning these properties, KIAA expects that the spirit of the agreement be upheld, i.e., that any remnant parcels remain publicly held.

3.4.1.3 Cultural Resources
B. Potential Cultural Resources Impacts

Comment: Minneapolis residents have continually expressed concern with the impact the project will have, both during construction and after operation of SWLRT, on cultural resources in the City.

As stated by the Minnesota State Historic Preservation Office, an adverse effect on one contributing feature is an adverse effect on an entire historic district. Therefore, the conclusion that the project will have an adverse effect on the Lagoon means that there will be an adverse effect on the Grand Rounds Historic District as a whole, as indicated in the SDEIS.

Section 3.1.2.3 of the SDEIS lists possible mitigation measures that may be included in the Section 106 agreement:

- Consultation with MNSHPO and other consulting parties during the development of project design and engineering activities for locations within and/or near historic properties
- Integration of information about historic properties into station area planning efforts
- Recovering data from eligible archaeological properties before construction
- Consultation with MNSHPO and other consulting parties during construction to minimize impacts on historic properties
- Preparation of NRHP nominations to facilitate preservation of historic properties
- Public education about historic properties in the project area

These items will not avoid, minimize or mitigate the long term adverse effects of the project on the Grand Rounds Historic District in a meaningful way. The noise impacts, including bells and horns, will be audible from distances within and beyond the Area of Potential Effect, and include not only the Lagoon area but also Lake of the Isles and Cedar Lake as well as the other parts of the Grand Rounds Historic District. Noise and vibration impact studies should be done from a baseline assuming no freight, as HCRRA had committed to do and as was contemplated in the DEIS. Despite the requirement that such impacts be minimized, co-locating both freight and light rail in the Kenilworth Corridor results in the opposite outcome.

The bridges over the Lagoon will have an adverse impact because of their the size and scale, inconsistency with the historic cultural landscape of the channel, the noise and vibrations caused by the light rail vehicles traveling the bridge and the fact that it may not be possible to mitigate the impacts of the new bridges, as stated by the MPRB earlier in the 106 process. The appearance of the new bridge structures and the sounds associated with modern rail infrastructure will alter the characteristics of "community planning and development," "entertainment and recreation," and "landscape architecture" that make the Lagoon eligible for NRHP designation, and will adversely affect the character and feeling of the Lagoon and how people use the historic resource, including the experience of using the waterway under the new structures. Given that the Council is proceeding with this project in spite of this adverse effect, we hope that designers will continue to be vigilant about minimizing the impact on the setting and feeling of the historic channel, including audible and visual intrusions that will alter the park-like setting of the Lagoon, a vital element of its historic character. These concerns extend to Cedar Lake and the beaches on it nearest to SWLRT, as well as the visual impact on Park Board Bridge #4, Lake of the Isles, Lake of the Isles Parkway and Lake of the Isles Historic District.

Table 3.4-5 lists cultural resources that have been preliminarily considered to have no adverse effect from the Project, because of continued consultation and avoidance/minimization/mitigation measures to be identified. The possible mitigation measures listed above would also not significantly address impacts on the cultural resources listed in this table. The Council must be responsible for ensuring that "continued consultation" is meaningful by conducting assessments and proposing specific

mitigation solutions before the 106 agreement is written and finalized, as it is impossible to avoid adverse effects after SWLRT construction and operations commence.

Cultural resources covered in table 3.4-5 include Lake of the Isles Residential Historic District, Kenwood Parkway Residential Historic District, Lake Calhoun, Cedar Lake Parkway, Cedar Lake, Park Bridge #4, Lake of the Isles Parkway, Lake of the Isles, Kenwood Parkway, Kenwood Park, Kenwood Water Tower and four NRHP listed or eligible homes in the Area of Potential Effect. Station activity will change traffic and parking patterns in the neighborhood and introduce long-term visual and audible intrusions that adversely impact these historic resources. Concerns about the long term Project impact on some or all of these cultural resources include the following:

- Long-term visual and audible intrusion from changes in traffic patterns related to station access: We are concerned that auditory impacts and changes in traffic and parking patterns will adversely affect the integrity of setting and feeling that make Kenwood Park, Kenwood Parkway, Lake of the Isles Parkway, Cedar Lake Parkway and the related residential historic districts, and the four individual homes listed on or eligible for the NRHP. A traffic analysis must be conducted and a plan to mitigate adverse impacts proposed and discussed before the 106 agreement is drafted.

- Noise effects from LRT operations: Audible intrusion from train operations, including bells and horns and the impact of trains going in and out of the tunnel, will alter the environment of the historic resources and the characteristics that make certain of these resources eligible for the NRHP. It seems unlikely that a few homes in the Kenwood Parkway Residential Historic District are the only cultural resources that will be adversely affected by noise from train operations.

- Infrastructure surrounding the tunnel and the massive tunnel portals could adversely affect the historic integrity of the resources. Signage along the historic parkways could also have an adverse effect. Specific design elements should be proposed to minimize these impacts and should be reviewed as part of the 106 process.

The degree of concern regarding the short term impact of SWLRT construction on all of these cultural resources cannot be overstated. Noise and vibration sensitive resources need to be identified. The public needs to see a comprehensive noise and vibration study and analysis for the Project during construction including the impact of increased truck and construction equipment traffic. We would like details on what will be included in the "project wide construction plan." It should identify measures to be taken during construction to protect all historic properties from project-related activity including construction related traffic. We need to ensure that plans are in place to prevent or repair damage resulting project activities, incorporating guidance offered by the National Park Service in Preservation Tech Note #3: Protecting a Historic Structure during Adjacent Construction as well as an agreement that specifies how these potential impacts will be monitored. The Council previously communicated to a neighborhood group whose residents experienced damage from a Council project that "[c]ontinuing with future projects, our goal is to ensure that claims are promptly and appropriately investigated to determine whether or not they may be related to the project. Depending on the facts of the claim, this may involve independent experts." We request that the Council communicate with owners of historic homes in the APE prior to construction.

The SDEIS also lists "station area development" as an item to be addressed through continued consultation. Numerous statements have been made that development is not anticipated at the 21st Street Station. For example, the Southwest Community Works website and documents state: "Future development is not envisioned around this station...."
http://www.swlrtcommunityworks.org/explore-corridor/stations/21st-street-station
The discussion of development potential at the Penn Station does not relate to the Kenwood Parkway side:
http://www.swlrtcommunityworks.org/~/media/SW%20Corridor/Document%20Archive/investment-framework/ch-4-penn.pdf
The Council must explain what development is being referred to in Table 3.4-5.

3.4.1.4 Source: MnDOT CRU, 2014.Parklands, Recreation Areas, and Open Spaces

Long-Term Direct and Indirect Parklands, Recreation Areas, and Open Spaces Impacts

Comment: The SDEIS states: "None of the indirect impacts on parklands, recreation areas, and open spaces from the LPA in the St. Louis Park/Minneapolis Segment would substantially impair the recreational activities, features, or attributes of those parklands, recreation areas, and open spaces." We dispute this conclusion. The permanent installation of freight rail and light rail in the Kenilworth Corridor that is too narrow to permit separation in accordance with AREMA and FTA guidelines creates a safety risk that would directly impair park activities in the event of a derailment and/or explosion of flammable materials.

For comment on the indirect impacts of the LPA in the form of visual, noise, and/or access impacts, please see comments to sections 3.4.1.5, 3.4.2.3, and 3.4.4.4 of this Supplemental Draft EIS response.

Short-Term Parklands, Recreation Areas, and Open Spaces Impacts

Comment: Please specify the extent to which the stated "standard" measures would be sufficient to protect the environmentally sensitive parkland, recreation areas, and open spaces along the Kenilworth Trail and adjacent parks. During construction, how can the safety of park and trail users (East Cedar Lake Beach, Cedar Lake Park, Lake of the Isles Park, and nearby trails and lakes) be assured, given that unit freight trains of 100 or more cars containing Class III flammable liquids, especially ethanol, travel through this narrow corridor in close proximity to a construction pit and materials, without whatever protective walls will later be installed? Please also explain how emergency vehicles will maintain access to East Cedar Lake Beach and Cedar Lake Park.

Section 3.4.1.5 Visual Quality and Aesthetics

> ***Excerpt from City of Minneapolis RESOLUTION 2010R-008 by Colvin Roy:***
>
> ***Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.***
>
> ***Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained.***

Comment: While we appreciate and agree that the visual impact from Viewpoints 2, 3, and 4 are recognized as being substantial, we strongly disagree and contest the idea that the level of visual impact north of the Kenilworth Channel crossing (including Viewpoints 5 and 6) will be "not substantial." (pages 3-167, 168). The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor.

Throughout this area, the SWLRT project will remove a large amount of green space and trees, and replace them with an overhead catenary system, tracks and ballast. The park-like environment will be permanently degraded by this infrastructure, as well as by the approximately 220 daily trains traveling over the historic Kenilworth Lagoon and through the corridor.

Clearly, the degree of change in the visual resource will be great, and, with well over 600,000 annual visitors to the Kenilworth Trail, the exposure to viewers will be high. Over the past 7 to 10 years, neighbors and trail users have clearly expressed to Hennepin County and the Met Council the very high value they place on the green space, wildlife and bird habitat, trees and other vegetation in the Kenilworth Corridor.

The visual impact to the park-like environment is exacerbated by the continuing presence of freight rail, which was expected to be removed from the Kenilworth corridor at the time of the Alternatives Analysis, the Locally Preferred Alternative decision, and the 2012 DEIS.

It appears that the consultant determining the visual qualities of the corridor relied entirely on Google Earth, files of the revised project layout, and selected "photographically documented" views (Appendix J, section 2B). If this is true, it is very discouraging that the area was not visited in person by the evaluator, nor were any stakeholders consulted.

At **Viewpoint 5**, we support all efforts to create an "attractive design" for the bridges crossing the Kenilworth Channel. The three new bridges will certainly become a "focal point," adding large cement structures and heavily impacting the setting and feeling of this element of the Historic Chain of Lakes and the Kenilworth Trail. An attractive design for these bridges does not compensate for the vegetative clearing. The character of the City of Lakes' signature canoe, kayak and skiing route from Lake of the Isles through the Kenilworth Channel to Cedar Lake will be fundamentally and permanently degraded. There will be a substantial negative visual impact from the level of the water as well as the level of the trail.

At **Viewpoint 6**, the SWLRT project plans to remove a significant amount of vegetation along the edge of Cedar Lake Park, as well as trees, plants, and restored prairie currently along the bicycle and pedestrian trails. The claim that removing trees and replacing them with overhead power lines would create a positive visual experience for trail users ("open up the view, making it more expansive") is absurd on its face and contradicts the clearly expressed will of the Minneapolis City Council and the adjacent

neighborhood. The 21st Street Station – a slab of concrete and metal with fencing and catenaries – will certainly "create a focal point," but it is not credible to assert that this will positively impact the visual qualities of a place that is now adjacent to an urban forest and is itself in a "park-like environment."

The negative visual impact of SWLRT in the Kenilworth Corridor, especially with freight rail remaining (contrary to all previous planning), will be substantial throughout the corridor. **We assert that the Council must recognize this and identify robust and meaningful mitigation measures for incorporation into the project. In fact, many feel that the adjacent parkland and the park-like environment of the Kenilworth Trail will be forever disrupted, and this alignment was selected when other, better alignments exist.**

3.4.2.1, 3.4.2.2 Geology and Groundwater, Water Resources

Comment: Given its history as a marshy area that in many places was made solid by landfill, and its former use as an active freight corridor, KIAA is very concerned that so much remains unknown about the soil and groundwater conditions in the Kenilworth Corridor under which the SWRLT tunnel and other elements will be built.

On page 3-170, the SDEIS notes, "the amount of settlement below and in the vicinity of the tunnel would be negligible." KIAA urges the Met Council to consult with the builders and managers of Calhoun Village about settling. Our understanding is that the buildings in Calhoun Village are built on pilings; the parking lot has settled and been raised, perhaps more than once, so the step from the walkway in front of the stores to the asphalt remains within reach. KIAA has no engineering data, but we have been told that an underground flow from Cedar Lake to Lake Calhoun is believed to be responsible for the parking lot sinking. With the longer, heavier freight trains that have begun to use the Kenilworth Corridor – which will likely increase with the upgraded rail facilities that the Met Council plans to build as part of the SWLRT project – and the frequent LRT trains, KIAA is not confident that "construction and operation of the light rail system would not affect the performance of the proposed tunnel or the other structures located in the vicinity of the tunnel, such as roadways, utilities, and nearby buildings."

Regarding groundwater, the SDEIS further points out that "in areas with high groundwater elevations and granular soils, there is an increased potential for groundwater contamination as a result of previous hazardous and contaminated materials spills" (page 3-168). We appreciate the Council's plan to create a system of filtration tanks and infiltration basins to accommodate a 100-year storm event during construction, but urge the Council to fully understand the nature of the contaminants in the soil before digging begins. The Council assumes that it will obtain permits from all local, state, and federal agencies for impacts to wetlands and other aquatic resources, but it would, of course, be irresponsible for these agencies to grant permits if unknown contaminants cannot be safely managed. We also urge the Council to understand the costs of dealing with this contamination before proceeding with construction, as we understand these cost are not currently known.
KIAA requests that there be a much more significant and transparent presentation regarding the compensatory mitigation for damage to wetlands and aquatic resources in the Minneapolis segment, especially potential for damage to the Kenilworth Channel and Cedar Lake.

While a permit application is required, the SDEIS identifies that there will be damage done to Minneapolis' aquatic resources but does not specify the level of damage that may be done during construction and operation of the SWLRT. The further impairment of these resources is a violation of the EPA Clean Water Act. The Minneapolis Chain of Lakes is a vital recreational and natural resource; while we appreciate that the Council will apply for a Section 404 permit, to knowingly degrade the Chain of Lakes is unacceptable.

Further, KIAA is not convinced that sufficient analysis has been done on existing contamination in the Kenilworth Corridor. The Kenilworth Corridor north of 21st Street is a former rail yard that housed up to 58 rail lines during its peak and was in service for decades. The SDEIS specifies the numerous toxic contaminants in the area due to this former use. Much of the rest of the Kenilworth area was constructed through landfill when standards for waste disposal were not stringent. When disturbed, contaminants from freight operations and landfill could enter the nearby lakes and groundwater.

In a June, 2015, Community Advisory Committee meeting, Southwest Project Office staff told the committee that contamination beyond what was identified in the SDEIS is likely to be found. Advancing the project without thorough knowledge of the type and degree of contamination elevates the risk to our water resources. The SPO staff further stated that measures to address the additional contamination are to be covered by contingency monies from the overall project budget. The SPO admits it does not fully understand the scope of the contamination nor does it know whether there will be adequate funds to address the potential

contamination of soil and water resources due to the construction and operations of the SWLRT. KIAA finds this approach to be irresponsible both financially and environmentally.

Noise 3.4.2.3

The SDEIS simply states that the noise issues described below will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

Comment: We believe that the SDEIS substantially minimizes the noise impacts associated with the proposed SWLRT. The noise impact of SWLRT through Kenwood and CIDNA will be highly significant for a number of reasons, but most notably because of the tranquility, recreational, park, and residential use currently existing in and bordering the Kenilworth Corridor. This proposed SWLRT route is not comparable to the Blue Line (Hiawatha) and the Green Line (Central Corridor down University Avenue), which are immediately adjacent to commercial thoroughfares or four-lane roads that carry cars and heavy trucks around the clock. By contrast, the Kenilworth area is a quiet environment, and is part of the **Grand Rounds National Scenic Byway**.

A **National Scenic Byway** is *a road recognized by the United States Department of Transportation for one or more of six "intrinsic qualities": archeological, cultural, historic, natural, recreational, and scenic. The program was established by Congress in 1991 to preserve and protect the nation's scenic but often less-traveled roads and promote tourism and economic development. The National Scenic Byways Program (NSBP) is administered by the Federal Highway Administration (FHWA).* The Kenilworth Corridor accommodates pedestrian and bike traffic, along with a slow moving freight train – two to five times per 24 hour period – which was intended to occupy the corridor only on a temporary basis.

The noise of 220 light-rail trains running daily from 4 a.m. to 2 a.m. would fundamentally transform the Kenilworth Corridor and the adjacent neighborhood with near-constant noise and vibration.

The noise levels given in Noise Fact Sheet (Appendix H p. 19) state the following: LRT trains traveling at 45 mph generate maximum typical noise levels of 76 dBA at 50 feet, 71 dBA at 100 feet, and 66 dBA at 200 feet. Adding 211-220 LRT 3 - car trains to the Kenilworth Corridor day and night, each producing such elevated noise levels, would be a severe and overwhelming intrusion, critically increasing the noise generated. This holds true even if the only noise increase resulted from the LRT trains traveling at their stated speed, per the SDEIS, of 45 mph.

The result of LRT noise is the corridor will be permanently changed from a quiet, tranquil area sought by pedestrians, cyclists, and outdoor enthusiasts, to a severely noise disrupted, highly mechanized transit route.

Beyond permanently degrading the area, there will be multiple public health consequences of SWLRT noise in the corridor. The impact of repetitive noise intrusion on neighborhood public health will be significant. For example, regarding the obvious potential for sleep interruption caused by SWLRT noise, a research review published in the December 2014 edition of Sleep Science, summarizes:

> emerging evidence that these short-term effects of environmental noise, particularly when the exposure is nocturnal, may be followed by long-term adverse cardio metabolic outcomes. Nocturnal environmental noise may be the most worrying form of noise pollution in terms of its health consequences because of its synergistic direct and indirect (through sleep disturbances acting as a mediator) influence on biological systems. Duration and quality of sleep should thus be regarded as risk factors or markers significantly influenced by the environment. One of the means that should be proposed is avoidance at all costs of sleep disruptions caused by environmental noise."

The article goes on to review that:

> The World Health Organization (WHO) has documented seven categories of adverse health and social effects of noise pollution, whether occupational, social or environmental. The latter [sleep disturbance] is considered the most deleterious non-auditory effect because of its impact on quality of life and daytime performance. Environmental noise, especially that caused by transportation means, is a growing problem in our modern cities. A number of cardiovascular risk factors and cardiovascular outcomes have been associated with disturbed sleep: coronary artery calcifications, altherogenic lipid profiles, atherosclerosis, obesity, type 2 diabetes, hypertension, cardiovascular events and increased

mortality....during the past year, the relationship between insomnia and psychiatric disorders has come to be considered synergistic, including bi-directional causation." [1]

Further, there is growing evidence that the opportunity for experiences in greenspace and nature supports social and psychological resources and recovery from stress. [2] The perpetual and repetitive noise from SWLRT would interrupt the current experience of the Kenilworth Corridor, nearby beaches, parks, the Kenilworth Channel and general environs of Lake of the Isles and Cedar Lake. Opportunities for experiences in natural environments, though often taken for granted by suburban dwellers, are extremely limited in urban areas, yet equally if not more critical for the mental health of urban residents.

With healthcare costs and disease prevention being prominent national and local priorities, the economic value of the public health benefit of the Chain of Lakes and Kenilworth Corridor cannot be simply ignored.

A. Existing Conditions (p. 3-180)

Fundamental defect with baseline noise measurements

Comment: The SDEIS uses wrong data as the fundamental framework for noise and vibration analyses. The sole purpose of this SDEIS is to assess the impact of changes made in the SWLRT plan since the 2012 DEIS; the baseline data used in this study should therefore have reflected that 2012 plan — which *did not include a freight train.* However, the SDEIS bases its noise and vibration data on a scenario that *does* include a freight train, thereby misleadingly minimizing the degree to which noise and vibration would be increased above what was indicated in the 2012 DEIS. Use of the wrong baseline data means that in this section the document fails to meet its goal of evaluating "the result of adjustments to the design of the Southwest LRT Project since the publication of the Draft EIS in 2012."[3] ***This defect renders the noise and vibration sections of the SDEIS fundamentally flawed and misleading. They need to be reworked with appropriate and correct data.***

The SDEIS estimates noise and vibration impacts from points that would not be the most severely impacted. The SDEIS does not measure impacts on residences closer than 45 feet from the SWLRT tracks, whereas the closest homes to the LRT tracks are only 31 feet away. The CIDNA-sponsored study by ESI Engineering raised this problem with respect to the 2012 DEIS, but it has not been reflected and incorporated into the SDEIS. KIAA requests that the SW Project Office contact CIDNA to obtain a copy of this report.

Additionally, there are significant seasonal and weather-related variations in noise levels, which cannot be captured when sound is measured during one 24-hour period in the summer.

Finally, in Appendix H, p.2, it is noted that "noise monitoring was performed at other locations not listed in the table. Those sites will either be addressed in the forthcoming Final EIS or no longer fall within the area where they would be potentially impacted by project noise due to design refinements during Project Development." Since the purpose of the SDEIS is to inform the public and decision makers, and provide opportunity for comment on all areas of concern, in order to fulfill that NEPA mandate, all measurements that were made and publicly financed should be made public.

B. Potential Noise Impacts

Comment: Following FTA noise assessment guidelines, the 76 dBA LRT noise every 5 minutes is measured as having a lower impact than actual dBA of 76 because the LRT noise is not continuous. Thus, though this quiet urban area will be exposed to an actual repetitive noise of 76-80 dBA day and night, the rating of the impact is lower and measured as 51 - 64 dBA in Tables **3.4-11, 3.4-12**. The significantly lower measurement lessens the determination of findings of impacts, and therefore, whether impacts are determined as non -existent, moderate or severe. This engineering methodology covers up the actual impact on people of loud repetitive noise in a peaceful setting.

Repetitive bell noise does not appear to be included in the SDEIS noise analysis in Tables 3.4-11, 3.4-12, which would clearly increase the severity of noise impact at all locations.

The SDEIS also neglects to report and measure the cumulative effect of LRT and freight train noise. This information would likely show that more than 24 residences would be affected; more of them would be impacted at the severe level, and a greater impact on the Kenilworth Channel and Kenilworth Lagoon Bank.

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[1] Sleep Science, Volume 7, Issue 4, December 2014, Pages 209-212).

[2] British Journal of Sports Medicine 2012, "The Urban Brain: Analyzing Outdoor Physical Activity with Mobile EEG."

[3] http://metrocouncil.org/swlrt/sdeis

Analysis of Table 3.4-12

Inaccurate land use designation for the Kenilworth Channel

KIAA strongly questions the land use designation of the Kenilworth Channel as Category 3. As defined in Appendix H, Category 3 is:

> Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech and concentration on reading material..."

The SDEIS designates the banks of the Kenilworth Channel as falling within the most noise sensitive Category 1. However, as stated above, the Channel itself is not included in that most highly sensitive designation, but instead is classified as "institutional land use. " Category 1 is defined in Appendix H as:

> Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.

The SDEIS states the "grassy area on the banks of the Lagoon" falls within Category 1 due to the "passive and noise sensitive recreational activities that occur there (where quietude is an essential feature of the park)." The designation of Category 1 versus 3 for the Kenilworth Channel appears to hinge excessively on one word -- the term "passive" to describe the activities for which the Channel banks are used. However, quietude is equally and very clearly an essential feature of the Kenilworth Channel itself, whose peaceful though not "passive" activities include canoers and cross country skiers gliding serenely on the water or ice while those on the grassy banks look on. The quietude of the Kenilworth Channel is inseparable from the quietude of its grassy banks; therefore both should be Category 1.

Most significantly, that the consequence of placing the Kenilworth Channel in Category 3 is that both the obligation to mitigate impacts is lowered, and the threshold to establish severe impact is higher and harder to reach. Had the Kenilworth Channel been accurately designated a Category 1, then the Channel would have been only 1 dBA below "Severe impact. "

Even with the lowering of the land use category of the Kenilworth Channel to a Category 3, the SDEIS finds a moderate impact of the addition of LRT noise. The footnote to SDEIS Table 3.4-12, states that the noise impact increases as one approaches the LRT line and becomes severe when the channel falls within the HCRRA right of way.

While the SDEIS states that the land use categories were made in consultation with the MPRB and MN SHPO, we strongly dispute their coherence and accuracy. If the intention of the SPO is to preserve the character and experience of the Channel, then it must designate it as a Category 1 and then make public the mitigation plans and costs well in advance of the final FEIS.

SWLRT Breaks the *System* of Minneapolis Parks.

Horace Cleveland's visionary masterplan, Suggestions for a System of Parks and Parkways for the City of Minneapolis, proposed a park *system* of connecting sites of beauty and natural interest throughout the city, rather than a series of detached open areas or public squares. The vision of a park "system" has guided the Park Board ever since and is one of the primary reasons for the success and national prestige of the Minneapolis Parks. The SDEIS procedure of singling out specific pieces of park for analysis such as Lilac Park, the Kenilworth Channel and its grassy banks runs fundamentally contrary to the underlying vision of a Minneapolis Park System.

The scenario of perpetual, repetitive LRT noise over the Kenilworth Lagoon and throughout the interconnecting parks and lakes woven throughout this area breaks the larger *system* of the Minneapolis Parks.

Site N 17 (p. 3-182)

21st Street Noise Impacts

We strongly disagree with the characterization of the noise impacts in the 21st Street station area as moderate and limited. "Sensitive receptors" in this area will be subject to train arrivals, departures, signal bells and perhaps horns, seriously eroding the quality of life in the neighborhood and reducing the enjoyment of the recreational trail and Cedar Lake Park for users of these regional amenities.

As we currently understand the SWLRT project, crossing and station bells will generate a noise level of 106 dBA and LRT bells generating 88 dBA for 22 hours; only between 2:00 a.m. and 4:00 a.m. will neighborhood residents be able to sleep uninterrupted.

Further, freight trains, which were supposed to have been relocated out of the Kenilworth Corridor to make way for LRT, may need to use bells and horns to safely cross 21st Street. This noise impact, which we regard as *new* since the status of the freight rail is going from temporary to permanent, does not seem to have been considered in the SDEIS.

We disagree with the assessment that the SWLRT project will create only 22 moderate noise impacts and one severe impact within the 21st Street station area. With appropriately robust measurement of the existing conditions (*without* freight), many of the residences with noise impacts deemed "moderate" would likely experience severe impacts. In addition to the residences identified in the SDEIS, residences along 21st Street, 22nd Street, and Sheridan Avenues will also experience at least moderate noise impacts. It's clear that although measurements may not rise to the "moderate" or "severe" level as defined in engineering manuals, noise from the 21st Street station will degrade a large portion of the Kenwood neighborhood. We underscore the need for the highest level of noise management and mitigation.

NB: It appears that the SDEIS may misidentify some of the homes deemed to have a "moderate impact without mitigation" as being on Thomas Avenue South; some of the addresses may actually be on Sheridan Avenue South.

LRT Horns are Likely

According to the federal Train Horn Rule[4], locomotive engineers must sound horns at a minimum of 96 decibels for at least 15 seconds at public highway rail grade crossings. Appendix H indicates that LRT Horns are 99 decibels and are sounded for 20 seconds. The SDEIS states that LRT horns would only be sounded at crossings where speeds exceed 45 mph. Since LRT and freight trains may not reach that speed in the Kenilworth Corridor, presumably no horns would be sounded when LRT vehicles cross 21st Street. Given the volume of pedestrian, bicycle, and car traffic at this crossing, it may not be safe to silence LRT horns at this crossing. That does not mean that KIAA welcomes the horns being sounded due to the prestated tranquility of the corridor and the severity of the noise impacts. If they were reinstated for safety reasons, the noise created by horns sounding for LRT trains at least 96 decibels for a minimum of 15 (or 99dBA for 20) seconds represents a "severe" noise impact and is therefore prohibitively detrimental to quality of life in a residential neighborhood. KIAA has no evidence that there is a viable solution to the conflicting imperatives of safety vs. quality of life.

Not addressed: Impacts near Portals

Two areas of potential noise impacts do not appear to be adequately addressed by the SDEIS.

First, table 3.4-11 does not appear to cover noise that will be experienced by the homes directly behind the SWLRT tracks after it emerges from the tunnel and crosses the Kenilworth Channel. Since LRT on ballast and tie track produces noise at 81 dBA, we believe that those residences will experience noise at the same level as homes on Burnham Road and Thomas Avenue South. Further, Appendix H notes that noise will increase by 1 dBA for homes within 100 feet of the tunnel entrance/exits. We strongly request that noise impacts be determined for those residences and that they be included in consideration for noise mitigation. We further request that the cost of that additional mitigation be identified and made public prior to the final DEIS.

Not addressed: Tunnel Ventilation System

Second, noise from the tunnel ventilation systems does not appear to have been considered. The SDEIS states that the tunnel section of the SWLRT is supposed to eliminate "almost all noise impacts within that segment of the corridor." However, we understand that there will be ventilation fans connected to the tunnels as well as a ventilation "building" planned near Cedar Lake Parkway. The SDEIS neglects assessment of the noise impacts from such a ventilation system, and this information is critical to determining whether the proposed tunnel would have a positive or negative environmental impact.

Policy-makers and citizens need adequate information on the noise impacts of both the vents and the ventilation building, among other things, before proceeding with tunnel construction. Appendix H indicates that the fans will operate only on an emergency basis, but we do not see any mention of the ventilation building in the SDEIS. We request clarity on the amount of time each day that they will be operational and creating noise impacts, and the dBA of each.

Not addressed: Freight Operations

The existing freight operations, intended to be temporary, are being made permanent. The noise generated by these trains, which often have three or four engines, must be measured and considered in the overall assessment of noise impacts of the SWLRT project.

The SDEIS simply states that the noise issues described above will be addressed in the Final EIS and that they will be mitigated. We take the strong view that now is the critical and only time to prove that mitigating the noise issues we have described is possible and that the cost of such mitigation is in the budget.

3.4.2.4 Vibration

LONG-TERM DIRECT AND INDIRECT VIBRATION IMPACTS

Comment: The SDEIS states, "There are no vibration impacts in this segment [of the SWLRT route]" This claim is not credible in view of advice provided in *Transit Noise and Vibration Impact Assessment*, the FTA's own guidance manual presenting procedures for predicting and assessing noise and vibration impacts of proposed mass transit projects:

> Vibration from freight trains can be a consideration for FTA-assisted projects when a new transit line will share an existing freight train right-of-way. Relocating the freight tracks within the right-of-way to make room for the transit tracks must be considered a direct impact of the transit system which must be evaluated as part of the proposed project. However, vibration mitigation is very difficult to implement on tracks where trains with heavy axle loads will be operating."[5]

The SDEIS says that 54 residences[6] in the "St. Louis Park/Minneapolis" segment (note that all of them are within Minneapolis) will be impacted by the ground-borne noise. This is an unacceptable level of impact on those 54 families.

Regardless of whether the residences are impacted by vibration from the tunnels or from the noise which is flagged as a "Residential Annoyance" in the tables in Appendix H, the fact that these "annoyances" will occur incessantly — 220 times per day starting at 4 a.m. and continuing to 2 a.m. — means the impact on those residents will be significant and should be considered "severe". The impact of vibration of the freight rail, which the SW LRT is making into a permanent condition, should be included in this analysis.

Regarding ground-borne vibration and noise, it should be noted that the impacts projected might underestimate real-world impacts, which could be more annoying than assumed in this SDEIS. The FDA manual states: [7]

> ...the degree of [ground-borne vibration and noise] annoyance can not always be explained by the magnitude of the vibration alone. In some cases the complaints are associated with measured vibration that is lower than the perception threshold.

SHORT TERM VIBRATION IMPACTS

The SDEIS all but ignores construction-related ground-borne noise (vibration) — except for a single, dismissive comment: "Short-term vibration impacts are those that might occur during construction of the LPA while jackhammers, rock drills, and impact pile-drivers are being used." Within a month of this writing, impact pile-driving on the former Tryg's restaurant site in the West Lake Station area caused serious damage to the Loop Calhoun condominiums, as well as some level of damage to the Cedar-Isles Condominiums. The project had to be halted (the piles were extracted), since going forward was deemed to be catastrophic. The pile-driving entailed in building the SWLRT tunnel would take place much closer to these and other condominiums, duplexes and apartment houses. The Tryg's site incident seems to strongly predict a risk of significant construction-related damage to the homes of hundreds of people who live along the corridor where impact pile-driving for SWLRT is planned.

Furthermore, the recent Met Council sewer project completed in this area caused damage to homes located beyond the "expected" range of distance from construction. Residents who attempted to get compensation for the damage were often told by the Met Council to take the matter up with their own insurance companies rather than through the contractors whose work caused the damage. A specific liability plan and budget should be included in the project cost estimates. There is a "contingency" line item in the budget, but it should be used for truly "unpredictable" costs that arise during the construction, and not for costs that could be, should be, and even are anticipated.

Construction-related vibration impacts could well extend beyond the construction period itself. Damage incurred during construction may not be initially apparent, and could show up months or even years later.

Note that KIAA submitted concerns about building conditions during the 2012 DEIS scoping period. During this period, Kenwood residents showed that new construction in the 2500 block of Upton Avenue South required extra deep footings due to the unstable nature of the soil. Architects' drawings and technical information were submitted to Hennepin County.

KIAA requests that the nature of the building conditions be better understood before proceeding with the tunnel and bridge construction. Further study is needed of:

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[5] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-9*

[6] All of them are Category 2 receivers: "residences and buildings where people normally sleep."

[7] *Chapter 7: Basic Ground-Borne Vibration Concepts, 7-6*

1) The effects of various pile-driving alternatives on the many at-risk structures
2) The costs involved with each of those alternatives;
3) The geology of the area, and its ability to support the construction process.

MITIGATION

The SDEIS promises mitigation of a number of vibration problems. However, the failure of Met Council mitigation measures taken to address LRT problems experienced by the University of Minnesota and Minnesota Public Radio cast abundant doubt on whether they will be effective here.

With respect to the vibration mitigation (to be further detailed in the Final DEIS), the measures suggested in Appendix H appear to be inapplicable to the many residences that would be affected. The SDEIS describes isolated tables and floating floors. It's hard to imagine a retrofit of the residences impacted by the vibration affects utilizing "floating floors." If this is the intent of the mitigation planned for the SWLRT, a cost estimate of the retrofit of all the residences should be included in the Final DEIS.

3.4.2.5 Hazardous and Contaminated Materials

KIAA understands that an online search of MPCA and MDA databases was conducted to identify documented hazardous and contaminated soils in the Kenilworth Corridor (page 3-189). While we appreciate that several sites were located with this method, people who have lived in Kenwood for many years have reported that undocumented disposal of hazardous waste formerly occurred in the Kenilworth Corridor area. KIAA has only anecdotal evidence, but we urge the Met Council to thoroughly investigate the possibility of undocumented contamination prior to commencing construction.

The SDEIS does not make clear whether the contamination risks throughout the corridor, including those areas of potential groundwater contamination or contamination that may infiltrate groundwater when disturbed, will be subject to Phase II evaluation prior to construction. Permanent pumping of an average of up to 520 gallons per day of water that has seeped into the tunnel would, if contaminated with the residue of freight operations or landfill, directly pollute the Chain of Lakes. We request that this risk and valid mitigation measures be identified before it is determined that a tunnel is environmentally safe and appropriate to build. The SDEIS states:

"Over the short term, four of the high-risk sites have the potential to directly affect LPA-related construction activities in the St. Louis Park/Minneapolis Segment (see Table 3.4-15). As previously noted, the high-risk sites would be investigated prior to construction using a Phase II ESA, which would include preliminary soil and groundwater investigations."

Long-term Direct and Indirect Hazardous and Contaminated Materials Impacts include:

- Permanent pumping of contaminated groundwater
- Impacts of disturbance of dangers in soils that may have long term health impacts on children and vulnerable adults
- Not covered in the SDEIS is the co-location of SWLRT in close proximity to hazardous and explosive materials being carried by the railroad. KIAA does not believe that the general public is even aware of the amount of wiring and electrical current and sparking in the LRT infrastructure, and we request that the Met Council make a public statement informing the general public of such. Below is a photo of a green line junction of a power tower that will be in very close proximity to the ethanol trains. KIAA strongly objects to this alignment and the risk to those families living in the "blast zone."

SHORT TERM

The DEIS called for Phase I ESA to be completed, and it was completed in August 2013. It was not made public by the Met Council until May 19, 2015, and indicates many potentially hazardous and contaminated sites along the alignment. It is reasonable to expect to encounter extensive contamination in the Kenilworth Corridor. In addition to being home to several railroad tracks, the Kenilworth Corridor was home to a maintenance yard, blacksmith and boiler shops, a diesel shop and a 90,000-gallon fuel storage facility. In addition, the land was used as a dump — a common practice of the time, and it is likely that arsenic will be among the dangers encountered, requiring special remediation.

The Phase II Environmental Site Assessment (ESA) is said to be near completion; the report must be made available for public review and comment as soon as it is available. The SDEIS says it is "reasonable to expect that previously undocumented soil or groundwater contamination may be encountered during construction." It is unclear if any findings in the Phase II ESA have been incorporated into the SWLRT project budget.

The SDEIS comment, however, seems to say that the cost of such remediation is unknown and has not been included in the cost estimates. Several sections of the alignment have been designated part of the MPCA Brownfields Program. In the best-case scenario, they will not require much remediation; in the worst case, they could become a Superfund site, requiring significant and expensive remediation.

Several members of the public requested budget information that would indicate what amount of the May 2015 increase in the budget from $1.65 billion to $1.99 billion was earmarked for remediation in the Kenilworth Corridor. The SW Project Office provided only the highest level of information, and indicated that they do not track the line items for things like soil remediation on a segment-by-segment basis, but only in total for the project. KIAA is disappointed in this low level of transparency and is left to wonder if remediation will require a Construction Contingency Plan above and beyond the general Contingency budget line item. The cost of such a Contingency Plan for Remediation should be included in the project budget.

3.4.3 Economic Effects

Long-Term Direct and Indirect Economic Impacts

Comment: KIAA disputes the statement that SWLRT will positively impact property values, especially around the 21st St station and Kenilworth Channel. The current freight alignment in the Kenilworth Corridor, which was supposed to be temporary, is already a negative and permanent defect on property values, and this becomes magnified as a negative defect on properties along the line with co-location of SWLRT. The threat of a collision and derailment as such incidents gain increased attention in the news media will in all likelihood increase the scrutiny of buyers as they evaluate the Kenilworth area as an investment and home for their families. Much of Kenwood is within the half mile "blast zone." Currently there is no viable plan to contain the effect of a derailment and crash in any urban area other than to let the blast "burn out" for the safety of the overwhelmed first responders. Further, the increased noise, vibration, and light without the previously promised removal of freight rail is an exponential increase in the disturbance in an area that is well known for its park-like feel and "up north" atmosphere. The increased adverse effects of co-location will be a permanent defect to homes within earshot and sight of the line; auditory adverse effects would reach as far as Lake of the Isles Parkway based on the audible sounds of the current freight line, but as a much more disruptive cacophony of LRT bells and horns versus the current infrequent "low rumble" of freight.

Further, while studies such as *rtd-fastracks.com* and others show that the access to light rail increase property values in high density, transient (apartment-filled), younger, urban neighborhoods, the area around the Kenilworth corridor is not representative of those attributes. The study mentioned, among others, shows that higher income and low-density neighborhoods do not see the positive impact on property values, as they do in lower to middle income neighborhoods that more regularly use public transit.

While the projected 1600 ride/daily boardings and alightings appear unrealistic, there will nonetheless be an adverse impact from those who do park in the neighborhood to access the station, resulting in residents closest to the station losing on street parking in front of their homes. This will create a parking lot feel to the low density neighborhood and be a detractor from potential buyers, negatively impacting home values.

Finally we do not support denser development in Kenwood, nor would it be feasible on any meaningful scale due to the mature and stable nature of the neighborhood. Any development would further denigrate the existing green space in the corridor, especially around the 21st St station.

We therefore dispute and challenge the SDEIS statement that mitigation for economic impacts is not warranted for the Kenilworth Corridor, particularly in the absence of any plausible property impact study.

Short-Term Direct and Indirect Economic Impacts

Comment: The SDEIS addresses only short-term economic impacts related to freight movements in the corridor. We assert that property owners in Kenwood would experience adverse economic impacts during construction; we are concerned that there will be a severe temporary degradation of property values due to the noise, traffic, vibration and uncertainties of the construction period, and we request that property assessments be reconsidered with the purpose of providing tax relief such as what was seen and acted upon during the upgrade of Highway 12 to Interstate 394. We request that a standard preconstruction survey be conducted on the route of construction vehicles or within the construction zone. We also request that there be a plan to ensure that school hours at the Kenwood School be respected – noise and activity should not take place in a manner that interrupts learning. Further, we request specification on what daily clean up and street sweeping would occur to minimize impact on the neighborhood.

3.4.4.2 Roadway and Traffic

As summarized in Table 3.4-1, there would be three new at-grade light rail crossings of roadways within the segment (Wooddale Avenue, Beltline Boulevard, and West 21st Street). At each crossing, light rail operations would impede vehicular traffic for approximately 50 seconds approximately 12 times per hour (six times per hour in both directions).

Comment: KIAA is concerned about emergency access being reduced 12 times per hour to East Cedar Lake Beach and the residences on Upton Avenue S. The freight train, which was originally to be removed, coupled with the light rail line, will exponentially impair access. We see no possible way to mitigate this impact even beyond the measures that are mentioned in the SDEIS. Police frequently need immediate access to the beach and park for the purpose of public safety and criminal matters; Water emergencies, fire, or medical emergencies would be exacerbated with each moment of delay. We see no possible way to mitigate this impact.

KIAA is concerned about the short-term impact on neighborhood roads that would be used for construction of the Kenilworth Corridor segment, including, but not limited to Penn Ave S, 21st St W. KIAA requests that funding be set aside for road repair

during and at the conclusion of construction to ensure that the burden of the cost of repair is not tendered to Kenwood residents via an assessment.

KIAA requests that passage of construction vehicles and materials through the neighborhood are limited to normal business hours to minimize neighborhood disruption. Please see Addendum #2 for the referendum passed by KIAA regarding the importance of this issue and we request some acknowledgement and plan for such mitigation during construction and repair post construction to any damage sustained to neighborhood housing or infrastructure.

3.4.4.3 Parking

Indirectly, the LPA could affect the supply of and demand for off-street parking in the St. Louis Park/ Minneapolis Segment due to development new light rail station areas. Any development occurring within the segment would, however, be required to comply with the City of St. Louis Park's and the City of Minneapolis' parking requirements, which would tend to ensure a long-term balance of parking supply and demand.

Comment: KIAA is concerned that there is complete disregard in the SDEIS for the impairment of on-street parking availability in its neighborhoods near the proposed 21st St Station for residents and their guests, as well as emergency access to those homes, especially in winter when streets are narrowed due to snow buildup. KIAA continues to oppose a park and ride lots at 21st St.

3.4.4.4 Freight Rail

Comment: Contrary to 15 years of previous planning, the SDEIS now claims that the need "to develop and maintain a balanced economically competitive multimodal freight rail system" as a justification for the Southwest light rail project (SDEIS page 1-1). The public, policy makers, and funders are generally unaware of this new "need" – one that has directed approximately $200 million of the Southwest light rail budget to improving *freight* rail and making it permanent in the Kenilworth Corridor.

In 1998, when freight was reintroduced to the Kenilworth Corridor, freight was to be a temporary alignment until light rail could be built. Despite public agreements and related state funding, none of the responsible parties secured appropriate legal documentation to ensure that freight would be moved to make way for light rail. Many of the parties responsible for this serious and politically tainted "mistake" have been, and continue to be, deeply involved in the SWLRT planning process.

Since the Alternatives Analysis assumed that "freight would be relocated to make way for light rail," the financial, political, and environmental costs of addressing freight rail in the Kenilworth Corridor were not considered at this critical juncture. Neither Hennepin County nor the Met Council has ever conducted an honest and unbiased analysis of alternative ways to serve the southwest suburbs' transit needs.

When the City of Minneapolis was required to vote on alignment 3A as the proposed Locally Preferred Alternative (LPA), the City Council members were told that freight rail would be relocated and that LRT would run at-grade in Kenilworth. The costs and concerns of freight relocation were again ignored.

The Project Scoping Report for the 2012 Draft Environmental Impact Statement said clearly, "Freight Rail is independent of the Study." Although the Federal Transit Administration (FTA) noted this erroneous assumption when it approved preliminary engineering, neither Hennepin County nor Met Council ever amended the project scope to include freight rail.

When the City of Minneapolis was pressed to accept co-location in 2014, the City Council lacked critical information to make an informed decision because freight co-location with LRT and tunneling were never part of the original LPA and subsequent DEIS.

The present SDEIS does little to further the knowledge of risks to the environment and public safety of co-location of freight and SWLRT. It is remarkable more for what is not included than what is included.

Not addressed in this SDEIS are the following issues related to making freight permanent in the Kenilworth Corridor:

1) The current freight operator, TC&W, transports hazardous freight through Kenilworth, in very close proximity to homes, trails and parks. This freight includes such flammable and explosive products as ethanol, fuel oil, propane, and anhydrous ammonia. Should a derailment occur, the consequences could be catastrophic. The need for containment and evacuation plans in nowhere acknowledged in the SDEIS. The federal Freight Rail Administration (FRA) expects at least 10 to 20 oil or ethanol derailments annually. Nationwide, over 7000 train derailments occurred in 2014. These concerns are not just theoretical.

It is troubling that even after a multitude of concerns were raised by the City of St. Louis Park and its residents in response to the

relocation of freight proposed the 2012 DEIS, the current SDEIS does not contain one word acknowledging the presence or dangers of high hazard freight through the Kenilworth Corridor. There is evidently no safety plan should an ethanol or other hazardous materials freight derailment to occur, and no containment and recovery planning should a disaster encroach on the tunnel and/or spill in to the Minneapolis Chain of Lakes.

2) TC&W is a private business and is free to operate as it deems appropriate. Since 1998 when freight was temporarily reintroduced, TC&W has significantly expanded the number of cars shipped through Kenilworth. The contents of these cars has also changed and will continue to do so as ethanol production increases – unit trains of 100 ethanol tankers have replaced short configurations of soybean and farm equipment carriers. Furthermore, the owners of TC&W are free to sell the company at any point to any one of the major railroads. This would cause an even greater expansion of traffic and movement of hazardous products in close proximity to homes. Upgrading the freight rail infrastructure at public expense and making it permanent increases the value of TC&W and thus increases the likelihood that it will be sold. Nowhere has this been made public.

3) Currently, TC&W trains voluntarily operate at a speed of 10 miles per hour through the Kenilworth Corridor. Our understanding is that they are under no legal obligation to do so. Going forward, the company may choose to sell to a company that does not respect this speed limit or TC&W may decide to increase speeds. A long-term enforceable agreement with the freight operator and the Hennepin County Regional Rail Authority should be considered as part of this project.

4) The Met Council has requested waivers from the Federal Rail Administration in order to put the jurisdiction of the co-located freight and light rail under the FTA. We see no evidence that the FTA or the Met Council have the capacity to oversee the co-location of hazardous freight and passenger rail in a narrow urban corridor.

5) The distance between the newly permanent freight rail and the light rail with its overhead electrical wires does not appear to respect industry standards or best practices. Even with crash walls, the proximity of electrified freight rail to passenger rail adds to safety risks. Catenaries can and do spark, which could be disastrous if it occurs when an ethanol tanker is passing. The risk may be low, but the consequences would be extreme.

6) Heavy freight rail obviously causes vibrations that travel through the ground. We see no evidence that the potential for long-term damage to either LRT structures or to residences and other buildings from freight vibrations has been considered in this SDEIS. Upgrading and making freight permanent increases the risks that freight vibrations will damage homes; KIAA therefore requests a pre-construction assessment of potentially affected properties and long-term monitoring with agreements that damage to residences will be compensated.

7) The SDEIS does not explore public sector liability if SWLRT or freight causes damage or harm. Currently, freight companies carry limited liability that only covers their rolling stock and train infrastructure. In light of the catastrophic potential of any accident in the Kenilworth Corridor, this insurance liability assessment should be done prior to building SWLRT, made public, and included in construction and operating cost estimates.

3.4.4.5 Bicycle and Pedestrian

Comment: The Minneapolis Park and Rec board reported in 2010 the Kenilworth Corridor receives 600,000 discrete unique visits per year. And the current "north woods" feel of the area enhances those visits. That experience would be significantly impacted by the addition of light rail, especially co-located with freight rail. This includes an expectation of natural quiet conditions. Pedestrians do not pass quickly through the park-like environment and will therefore be significantly impacted by added noise, movement and infrastructure of the LRT and freight rail. The speed joined with the noise at close proximity greatly detracts from the trail experience for both bicyclists and pedestrians, and can even be frightening to users. KIAA asserts that this clearly constitutes a long-term adverse impact on bicycle and pedestrian experience in the Kenilworth Trail and must be mitigated to the greatest extent possible.

There is also a concern for safety at crossings, and a poor precedent set by previously constructed light rail lines on what we might expect. We find this photo to be an example of an unacceptable measure of safety:

As previously stated, is there any concern of having live wires for light rail within 25 feet of an active ethanol freight line? We ask for consideration on this matter per Rep Hornstein's statement at the Dunwoody SWLRT hearing.

3.4.4.6 Safety and Security

Comment: KIAA is concerned about the difficulty of providing emergency services to LRT users and freight trains throughout the Minneapolis portion of the corridor. There is limited operational infrastructure in the corridor (e.g., lack of hydrants), and few access points for emergency vehicles. In particular, we expect that the 21st Street access point will have to be used by police cars, fire engines, and ambulances to service points between the Kenilworth Lagoon and the Penn Avenue station. We request and urge the Council to design access in a minimally intrusive way, and consider mitigation that will limit the impact of these public services on the neighborhood.

LONG-TERM IMPACTS

Comment: The current plan to co-locate freight and LRT within the same corridor — within a dozen feet of each other in certain places — creates new, potentially catastrophic hazards. It is currently proposed that the freight train (which carries volatile and explosive ethanol on a daily basis, and several unit trains of ethanol per month) remain permanently in the Kenilworth Corridor. The addition of the SWLRT with its electrical power wires only a few feet away exacerbates the existing danger of ethanol in the corridor. Current safety standards recommend against co-location in such close proximity when there are alternatives; other alternatives for this SWLRT alignment must be explored.

Furthermore, in the event of an explosion of ethanol trains along this corridor, we understand that the foam retardant required to extinguish the fire is "within a 3 hour distance" of the corridor. We believe that the potential harm during that "3 hour window" along with permanent damage to residences and residents should be quantified. Should an explosion occur during the passing of an LRT train, the potential exists for loss of life or harm to those exposed to the hazardous fumes.

Comment: Please note that the Minneapolis Park Police also provide service within the study area. KIAA requests that the MPRB Police be consulted on security issues related to the impact of a proposed station at 21st Street on East Cedar Lake Beach (Hidden Beach) and their input be incorporated into final design plans. In the summer 2012, Hidden Beach generated more police actions than any other park in the MPRB system. For the last five years, KIAA has provided supplementary funding to the Park Police to allow for increased patrols in this area. The neighborhood has expressed grave concern that an inadequately managed station would increase opportunities for illegal behavior. To reduce the risk of such behavior we request that the Met Council study whether it be appropriate for service at 21st St station cease at 10PM, which coincides with the normal evening closure of Cedar Lake Park.

SHORT-TERM IMPACTS

Cedar Lake Parkway is a critical artery for Kenwood residents and others. Currently, rush hour traffic produces backups that sometimes extend from Lake Street, along Dean Parkway and Cedar Lake Parkway. (On June 11, 2015, an accident at Dean Parkway and Lake Street slowed traffic on Dean Parkway to a crawl for over an hour.) The closing of Cedar Lake Parkway at the Kenilworth Trail would be necessary during the construction of the proposed tunnel from West Lake Street to just past Cedar Lake Parkway. Affected neighborhoods already have limited entry and exit points.

The SDEIS does not address the need to ensure reasonable transportation options during this period. Especially important are routes for emergency vehicle access. There must be plans for fire and ambulance routes in the affected neighborhoods. Travel time for emergency vehicles would be increased during that closing. The SDEIS describes such delays as "minor"; we take vigorous issue with such a demotion of safety concerns, as even two minutes could be the difference between life and death, or a home being saved from fire or destroyed.

Also missing is information on what measures, including evacuation plans, would be necessary to protect the Cedar Shores townhomes when the TC&W trains, with their explosive freight, are moved several feet closer to them during construction.

Appendix - Addendum #1

Addendum: Kenwood Isles Area Association Position Statement on Freight Relocation for SWLRT

Adopted July 1, 2013

Nearly a mile of the proposed SWLRT runs through the Kenwood Isles Area Association neighborhood. **We vehemently oppose the idea of maintaining freight rail along with light rail at grade in the Kenilworth Corridor, known as "co-location."**

Relocation of freight out of the Kenilworth Corridor has been promised for years. While the corridor was long used for transporting goods, freight use of Kenilworth was halted in 1993 when the Midtown Greenway was established. When freight was later re-introduced into the Kenilworth Corridor, Hennepin County assured residents this use of the corridor was temporary.

Meanwhile, over 20 years of citizen efforts to build and maintain Cedar Lake Park and the Kenilworth Trail have resulted in a more beautiful and complete Grand Rounds and Chain of Lakes. Traffic on federally funded commuter and recreational bicycle trails in the Kenilworth Corridor grew to at least 620,000, perhaps approaching one million, visits in 2012.

When the Hennepin County Regional Railroad Authority began looking at using the Kenilworth Corridor for LRT, several key studies and decisions reiterated the expectation that if Kenilworth is to be used for transit, then the freight line must be relocated. (See notes below.) Trails were to be preserved. Freight rail was to be considered a separate project with a separate funding stream, according to Hennepin County. This position was stated publicly on many occasions, including Community Advisory Committee meetings and Policy Advisory Committee meetings.

Minneapolis residents have positively contributed to the SWLRT process based on the information that freight and light rail would not co-exist in the Kenilworth Corridor. Although many of us think that Kenilworth is not the best route, most have participated in the spirit of cooperation and compromise to make the SWLRT the best it can be.

Despite numerous engineering studies on rerouting the freight rail, it was not until December 2012 that the current freight operator in the Kenilworth Corridor, TC&W, decided to weigh in publicly on the location of its freight rail route. TC&W rejected the proposed reroute.

The Met Council has responded by advancing new proposals for both rerouting the freight and keeping it in the Kenilworth Corridor. For either option, these proposals range from the hugely impactful to the very expensive – or both. Six of the eight proposals call for "co-location" despite the temporary status of freight in Kenilworth. The Kenilworth proposals include the destruction of homes, trails, parkland, and green space. Most of the proposals would significantly add to the noise, safety issues, visual impacts, traffic backups, and other environmental impacts identified in the DEIS.

This is not a NIMBY issue. The Kenilworth Trail provides safe, healthy recreational and commuter options for the city and region. It is functionally part of our park system. The Kenilworth Corridor is priceless green space that cannot be replaced.

For over a decade public agencies have stated that freight rail must be relocated to make way for LRT through the Kenilworth Corridor. If this position is reversed midway through the design process for SWLRT, the residents of Kenwood Isles would find this a significant breach of the public trust.

Simply stated, none of the co-location proposals are in keeping with the project goals of preserving the environment, protecting the quality of life, and creating a safe transit mode compatible with existing trails.

This has been a deeply flawed process, and we **reject any recommendation for at-grade co-location in the Kenilworth Corridor. If freight doesn't work in St. Louis Park, perhaps it's time to rethink the Locally Preferred Alternative.**

Notes

1) The 29th Street and Southwest Corridor Vintage Trolley Study (2000) noted that, "To implement transit service in the Southwest Corridor, either a rail swap with Canadian Pacific Rail or a southern interconnect must occur."

2) The FTA-compliant Alternatives Analysis (2005-2007) defines the Kenilworth section of route 3A for the proposed Southwest Light Rail in this way: "Just north of West Lake Street the route enters **an exclusive (LRT) guideway in the HCRRA's Kenilworth Corridor to Penn Avenue**" (page 25). This study goes on to say that "to construct and operate an exclusive transit-only guideway in the HCRRA's Kenilworth Corridor the **existing freight rail service must be relocated**" (page 26).

3) The "Locally Preferred Alternative" (LPA) recommended by HCRRA (10/29/2009) to participating municipalities and the Metropolitan Council included a recommendation that freight rail relocation be considered as a separate "parallel process."

4) In adopting HCRRA's recommended Locally Preferred Alternative based on treating relocation of the freight rail as a separate process, the City of Minneapolis' Resolution (January, 2010) stated:

> **"Be It Further Resolved that the current environmental quality, natural conditions, wildlife, urban forest, and the walking and biking paths be preserved and protected during construction and operation of the proposed Southwest LRT line.**
>
> Be It Further Resolved that any negative impacts to the parks and park-like surrounding areas resulting from the Southwest LRT line are minimized and that access to Cedar Lake Park, Cedar Lake Regional Trail, Kenilworth Trail and the Midtown Greenway is retained."

5) The Draft Environmental Impact Statement supports the Locally Preferred Alternative, which includes relocation of freight out of the Kenilworth Corridor. (December, 2012)

6) The **southwesttransitway.org** has stated since its inception that:

> Hennepin County and its partners are committed to ensuring that a connected system of trails is retained throughout the southwest metro area. Currently, there are four trails that may be affected by a Southwest LRT line. They are the

Southwest LRT trail, the Kenilworth trail, the Cedar Lake Park trail, and the Midtown Greenway. These trails are all located on property owned by the HCRRA. The existing walking and biking trails will be maintained; **there is plenty of space for light rail and the existing trails.** Currently, rails and trails safely coexist in more than 60 areas of the United States.

End of Addendum

Appendix: Addendum #2

January 5, 2015

Resolution to Recommend Review of Metropolitan Council's Policy Regarding Project Administration and Accountability to Property Owners

WHEREAS, It has come to the attention of the Kenwood Isles Area Association (KIAA) that a number of homeowners in the Cedar-Isles-Dean neighborhood apparently suffered damage to their properties as a result of the Metropolitan Council's Cedar-Lakes Sewer Improvement Project (MCES Project No. 804122), and

WHEREAS, Neither the Metropolitan Council's contractor nor the Metropolitan Council Environmental Services have taken responsibility or satisfactorily addressed CIDNA homeowners' documented property damage claims, and

WHEREAS, This lack of accountability leads to legitimate concerns about this and all other projects the Metropolitan Council administers, especially the construction and operation of the proposed Southwest Light Rail Transit (SWLRT), and

WHEREAS, This dereliction of responsibility with regard to property damage will potentially affect all properties – public, park or private property alike - along the 16-mile proposed SWLRT route.

THEREFORE BE IT RESOLVED, That the KIAA Board of Directors urgently requests that the Metropolitan Council review its policies for resolving property damage disputes resulting from its construction projects and its role in administering projects;

BE IT FURTHER RESOLVED, That based on this review and before construction begins on the SWLRT, the KIAA Board of Directors urges the Metropolitan Council to put clear and reasonable processes in place to resolve damage disputes and fairly compensate property owners who experience damage as a result of Metropolitan Council projects.